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ANNUAL REPORT

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OF THE

COMMISSIONER OF INDIAN AFFAIRS

TO THE

SECRETARY OF THE INTERIOR

FOR THE

FISCAL YEAR ENDED JUNE 30, 1901.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1901.



**ANNUAL REPORT**

**OF THE**

**COMMISSIONER OF INDIAN AFFAIRS**

**TO THE**

**SECRETARY OF THE INTERIOR.**

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**1898.**

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**WASHINGTON:**  
**GOVERNMENT PRINTING OFFICE.**  
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# REPORT

## OF THE

### COMMISSIONER OF INDIAN AFFAIRS.

OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., September 26, 1898.

SIR: The Sixty-seventh Annual Report of the Office of Indian Affairs is respectfully submitted.

#### APPROPRIATIONS.

The act providing for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, appropriated \$7,653,854.90, an excess of \$222,234.01 over the amount appropriated for 1898.

The different objects of appropriation are shown by the following comparative table:

*Appropriations for the Indian service for the fiscal years 1898 and 1899.*

	1898.	1899.
Current and contingent expenses.....	\$740,040.00	\$782,840.00
Fulfilling treaty stipulations.....	3,123,871.74	3,250,399.90
Miscellaneous support, gratuities.....	673,025.00	664,125.00
Incidental expenses.....	80,000.00	80,000.00
Support of schools.....	2,631,771.35	2,638,390.00
Miscellaneous.....	182,912.80	238,100.00
<b>Total.....</b>	<b>7,431,620.89</b>	<b>7,653,854.90</b>

The variations in the different items for 1899 as compared with those for 1898 are as follows:

**Increases:**

Current and contingent expenses.....	\$42,800.00
Fulfilling treaty stipulations.....	126,528.16
Support of schools.....	6,618.65
Miscellaneous.....	55,187.20
<b>Total increase.....</b>	<b>231,134.01</b>

**Decrease:**

Miscellaneous, gratuities.....	8,900.00
<b>Net increase.....</b>	<b>222,234.01</b>



The following items, though appearing in the Indian appropriation act, being made to accomplish special purposes, can hardly be considered as part of the regular expenses of the service:

Commission Five Civilized Tribes .....	\$13,400.00
Telephone line, White Earth Agency .....	1,000.00
Commission Crow and other Indians .....	15,000.00
Resurveying boundaries Klamath Reservation .....	10,000.00
Negotiating with Klamath Indians .....	2,000.00
Commission Puyallup Reservation .....	2,000.00
Surveying Cheyenne River and Standing Rock reservations.	23,000.00
Counsel for Pueblo Indians .....	2,000.00
Indian Exhibit, Omaha Exposition .....	40,000.00

Total .....	138,400.00
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Deducting this from the total amount appropriated, there remains \$7,515,454.90, representing the amount appropriated in the Indian bill for conducting the ordinary operations of the Department. The previous annual report showed that the appropriations for the current expenses for 1898 were \$7,342,808.09. To this should be added several amounts appropriated in the deficiency bill for 1898 to meet deficiencies created by increased advertising, higher rates of transportation, and unusual demands upon Indian inspectors. The items are as follows:

Expenses of purchasing goods and supplies, advertising, etc..	\$5,000.00
Traveling expenses of Indian inspectors .....	2,000.00
Transportation of Indian supplies .....	75,000.00

Total .....	82,000.00
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Comparing the two years and taking into consideration the amounts appropriated in the deficiency bill, we have:

Current expenses for 1899 .....	\$7,515,459.90
Current expenses for 1898 .....	7,424,808.09
Excess of 1899 over 1898 .....	90,651.81

The estimates for the Indian service for the fiscal year 1899 presented to Congress by this office aggregate \$7,375,617.08. The total amount appropriated was \$7,653,854.90. Excess of appropriations over estimates, \$278,237.82.

## EDUCATION.

Education is the greatest factor in solving the future status of the Indian. The growth of a healthy educational sentiment among these people will conduce more to their welfare, material prosperity, and

civilization than all other agencies combined. The methods employed to bring about such desirable results are the outcome of serious thought and study, and are the gradual evolution of years of experience in dealing with the Indians. The numerous tribes of Indians throughout the United States are diverse in their manners, customs, and native intelligence, which complex condition of affairs renders any iron-bound rules ineffective. The various systems of educational methods seem successfully to meet these diverse conditions. The subdivision of governmental schools into reservation and nonreservation boarding, reservation and independent day schools appears to meet the exigencies of the situation. The majority of the religious denominations of the country render valuable assistance in this great work by establishing and maintaining schools and churches for the benefit of the Indian children and their parents. Hearty cooperation between these two great forces engaged in a similar work has been very advantageous in simplifying the work of the Indian Office.

The educational branch of the Indian Office has grown from small beginnings until now it is one of the most important under the control of the Department. The appreciation of it as a civilizing influence has grown not only upon the office, but upon the country at large. As at present constituted the system only dates back a generation. In 1877 there were 48 small boarding and 102 day schools, with an attendance of 3,598 pupils. The appropriation for their support was \$20,000. These schools were not systematized and each appeared to be a law unto itself. While the efforts of those engaged were laudable they lacked the cohesiveness of a strong systematic effort well directed. The New York schools were eliminated in 1882 and this office no longer retained control of them. During that year, when the system began to approach that of the present, there were 71 boarding and 76 day schools, with an attendance of 4,714 pupils. This period marks the beginning of an earnest effort for the civilization and advancement of the Indian through the elevation morally and intellectually of his children. These efforts have kept pace with the wonderful growth of our magnificent country until, through the liberality of Congress in pursuance of its enlightened policy in dealing with the Indians, there are now 148 well-equipped boarding schools and an equal number of day schools engaged in the education of 24,004 pupils.

There has been a steady increase in the average attendance and enrollment among the schools for the past twenty-one years, as the following tabulated statement will exhibit:

## SUMMARY OF INDIAN SCHOOLS AND ATTENDANCE.

The following table gives a statement of the number of Indian schools, enrollment, and attendance during the past twenty-two years:

TABLE 1.—*Number of Indian schools and average attendance from 1877 to 1898. a*

Year.	Boarding schools.		Day schools. b		Totals.	
	Number.	Average attendance.	Number.	Average attendance.	Number.	Average attendance.
1877.....	48	.....	102	.....	150	3,598
1878.....	49	.....	119	.....	168	4,142
1879.....	52	.....	107	.....	159	4,448
1880.....	60	.....	169	.....	109	4,651
1881.....	68	.....	106	.....	174	4,976
1882.....	71	3,077	76	1,637	147	4,714
1883.....	80	3,793	88	1,893	168	5,686
1884.....	87	4,723	98	2,237	185	6,960
1885.....	114	6,201	86	1,942	200	8,143
1886.....	115	7,260	99	2,370	214	9,630
1887.....	117	8,020	110	2,500	227	10,520
1888.....	126	8,705	107	2,715	233	11,420
1889.....	136	9,146	103	2,406	239	11,552
1890.....	140	9,865	106	2,367	246	12,232
1891.....	146	11,425	110	2,163	256	13,588
1892.....	149	12,422	126	2,745	275	15,167
1893.....	156	13,635	119	2,668	275	16,303
1894.....	157	14,457	115	2,639	272	17,220
1895.....	157	15,061	125	3,127	282	18,188
1896.....	156	15,683	140	3,579	296	19,262
1897.....	145	15,026	143	3,650	288	18,676
1898.....	148	16,112	147	3,536	295	19,648

*a* Some of the figures in this table as printed prior to 1896 were taken from reports of the Superintendent of Indian Schools. As revised, they are all taken from the reports of the Commissioner of Indian Affairs. Prior to 1882 the figures include the New York schools.

*b* Indian children attending public schools are included in the average attendance, but the schools are not included in the number of schools.

While this table shows a uniform and steady increase in attendance upon the schools, the natural query presents itself as to the value of the educational method pursued with these pupils. For the purpose of arriving at some definite conclusion, data upon the question was obtained from the different agents. They were requested to make a careful canvass of all returned pupils then living upon the reservations under their charge and submit a brief estimate of the character and conduct of each with reference to the results of their educational course at the school attended, together with such facts or conditions existing in the tribe on the reservation, or in its environment that generally help or hinder returned pupils. The data thus collected were collated with reference to the present physical condition of the returned pupils, and their efficiency as men and women in the ordinary relations of everyday life. The result was surprising, and will bear comparison with similar statistics from white schools. Of the pupils who had attended schools, although only a small per cent graduated, 3 per cent are reported as excellent, or first-class; 73 per cent as good,

or medium; while only 24 per cent are considered bad or worthless, and upon whom the benefits and advantages of school life conferred no appreciable results. The ratio of the good to the bad is remarkable from any standpoint, but is emphasized particularly as showing the value of an educational system which can in a generation develop from savages 76 per cent of good average men and women, capable of dealing with the ordinary problems of life and taking their places in the great body politic of our country. All these thousands of educated Indian boys and girls, speaking the English language, weaned from tribal customs and the iron bands of tradition, can not fail to exert a powerful and far-reaching influence upon the quarter of a million Indians scattered throughout the United States.

It has been suggested that the transfer of an Indian child from the free open-air environment in which he was born would have a tendency to break a naturally strong and vigorous constitution, weaken its vitality, and render the system an easy prey to disease. These statistics do not bear out such a conclusion, as 89 per cent of those pupils who have gone through the schools and returned to their homes are reported to be in good physical condition.

#### ATTENDANCE.

The enrollment and average attendance at the schools aggregated and compared with the preceding year are here exhibited for the fiscal year 1898.

TABLE 2.—Enrollment and average attendance at Indian schools, 1897 and 1898, showing increase in 1898; also number of schools in 1898.

Kind of school.	Enrollment.			Average attendance.			Number of schools.
	1897.	1898.	Increase.	1897.	1898.	Increase.	
<b>Government schools:</b>							
Nonreservation boarding.	5,723	6,175	452	4,787	5,347	560	25
Reservation boarding.....	8,112	8,877	765	6,855	7,532	677	75
Day.....	4,768	4,847	79	3,234	3,286	52	142
<b>Total.....</b>	<b>18,603</b>	<b>19,899</b>	<b>1,296</b>	<b>14,876</b>	<b>16,165</b>	<b>1,289</b>	<b>242</b>
<b>Contract schools:</b>							
Boarding.....	2,579	2,509	a 70	2,313	2,245	a 68	b 29
Day.....	208	96	a 112	142	68	a 74	3
Boarding, specially appropriated for.....	371	394	23	330	326	a 4	2
<b>Total.....</b>	<b>3,158</b>	<b>2,999</b>	<b>a 159</b>	<b>2,785</b>	<b>2,639</b>	<b>a 146</b>	<b>34</b>
<b>Public.....</b>	<b>303</b>	<b>315</b>	<b>12</b>	<b>194</b>	<b>183</b>	<b>a 11</b>	<b>(c)</b>
<b>Mission boarding d.....</b>	<b>813</b>	<b>737</b>	<b>a 76</b>	<b>741</b>	<b>692</b>	<b>a 79</b>	<b>17</b>
<b>Mission day.....</b>	<b>87</b>	<b>54</b>	<b>a 33</b>	<b>80</b>	<b>22</b>	<b>a 58</b>	<b>2</b>
<b>Aggregate.....</b>	<b>22,964</b>	<b>24,004</b>	<b>1,040</b>	<b>18,676</b>	<b>19,671</b>	<b>995</b>	<b>295</b>

a Decrease.

b Three schools transferred to the Government and contracts made for two schools which were paid by vouchers in previous year.

c Thirty-one public schools in which pupils are taught not enumerated here.

d These schools are conducted by religious societies, some of which receive from the Government for the Indian children therein such rations and clothing as the children are entitled to as reservation Indians.

Statistics relative to Indian education among the Five Civilized Tribes and the Indians of New York are not included in the above table, as their schools are not supported from funds under control of this office.

There were conducted during this past year 295 Indian schools under various auspices, of which number 242 were exclusively controlled by the Indian Department, an increase of 8 in the number of Government schools. Two nonreservation boarding schools at Fort Bidwell, Cal., and Chamberlain, S. Dak., and 3 reservation boarding schools at Rosebud, S. Dak., Warm Spring, Oreg., and Red Moon, Okla., have been established. New Government day schools have been organized as follows: San Ildefonso Pueblo, N. Mex.; Shebits, Utah; Independence, Cal.; and 5 on Pine Ridge Reservation, S. Dak. The day schools at Lac Court D'Oreilles and Odanah, at La Pointe Agency, Wis., which were formerly conducted under contract with the Catholics, have been leased from their owners and converted into Government day schools. The day school at Bay Mills, Mich., formerly a Protestant contract school, has been similarly equipped and conducted. The Tonasket Boarding School for the Colville Agency, Wash., having been destroyed by fire, has been discontinued, until arrangements can be perfected with the War Department for the transfer of old Fort Spokane, which has been abandoned by the military. Proper proceedings are now pending for its conversion at an early date into a boarding school for this reservation, it appearing from reports to be admirably located and adapted for this purpose. On account of its proximity to the Crow Agency Montana Boarding School and the dilapidated condition of its buildings, the Montana Industrial Boarding School has been abandoned, pupils and property being transferred to the agency school. The day schools formerly conducted for the Iowa Sac and Fox Indians and for the Warm Springs Indians at Simnasho, Oreg., were discontinued, by reason of the construction of new boarding schools for these Indians. Not receiving sufficient support, the following day schools have been discontinued: Bullhead, on Standing Rock Reservation, N. Dak.; one school on Rosebud Reservation, S. Dak.; Toppenish, on Yakima Reservation, Wash., and two schools on Eastern Cherokee Reservation, N. C.

It is gratifying to note that the net decrease in enrollment of 608 pupils and 586 in average attendance, as shown by the annual report for the fiscal year 1897, has been changed into a net increase of 1,040 and 995 enrollment and average attendance, respectively, for the present year. This increase is especially satisfactory in the regular Government schools, where 1,296 more pupils are enrolled than for the previous year. The reservation schools show the largest gain in this respect, where the increase of 765 for the present year is contrasted with the decrease of 377 last year.

Observing that the schools located on the reservations during the last year had not increased in the natural ratio expected, more vigorous measures were instituted. Agents were urged to greater exertions

for the purpose of filling the schools to the limit of their capacity by placing therein every child of school age on the reservation whose physical condition would justify the necessary confinement of school life. Notwithstanding these efforts it appeared that there were influences adverse to education among the older and more conservative Indians of sufficient strength to thwart the desires of this office. Outside influences also conspired to oppose the placing of the children in schools. Under existing regulations agents felt themselves powerless to overcome the strength of the opposition. Efficient means were necessary, and you were requested and did so approve the following circular, which was at once promulgated:

SEPTEMBER 9, 1897.

*To Agents and Bonded Superintendents :*

When notified by the superintendent of a reservation boarding school, or the teacher of a day school on his reservation, of the fact that a pupil enrolled at the agency on which the school is located has left the school without permission, the agent shall promptly return such pupil to the respective school. Should the parent, guardian, or person harboring the pupil fail or refuse to deliver him, the agency police and school employees, or either of them, are hereby directed to arrest and return such pupil under the orders of the agent. Agency police and school employees are authorized and empowered to arrest and bring before the agent for suitable punishment any person or persons who may hinder them in the lawful performance of this duty. Parents, guardians, and other persons who may obstruct or prevent the agent from placing Indian children of the reservation in the schools thereof shall be subject to like penalties; provided, that this regulation shall not be construed as authorizing the removal of Indian children from their reservations to be placed in a school outside of such reservation without the consent of the parent or guardian of the children, required by law to be first obtained.

When an agent is notified of the return to his reservation of a pupil of a non-reservation school, he shall take the necessary steps to inform himself as to the legitimacy of his return. Should he find that a pupil can not produce satisfactory evidence of proper authority for his return, a full report of all the facts must be promptly made to the Indian Office and the superintendent of the school be notified thereof.

Very respectfully,

W. A. JONES, *Commissioner.*

The wisdom of this course is fully evidenced in the largely increased enrollment and average attendance for these schools, to which attention has been specifically directed.

Pursuing this subject still further, it should be clearly apparent that there is a grave necessity for some legislation looking to the compulsory education of Indian children. With a view to introducing a moderate regulation in this matter, it was suggested that an item be incorporated in the appropriation law that the Commissioner of Indian Affairs should have the right to transfer advanced pupils from the various Indian schools to other and larger schools situated in other States and Territories without the consent of parents and guardians when in his judgment the best interests of such pupils would be subserved. This suggestion, however, failed to secure the approval of Congress. Future developments will undoubtedly emphasize, as the facts of the past and the experience of collecting officials have demonstrated, that a

regulation which will enforce compulsory attendance upon the schools must be enacted. The trend of public and legal thought is away from the traditional idea that the Indian is both a ward and a sovereign to the practical everyday fact that he is simply a ward of the Government; that he is in his tutelage, and requires the tender care and corrective authority which should always be lodged in the hands of a guardian. For centuries he roamed untrammelled a vast domain, his own nature and inherited tendencies drawing him away from the dignity and excellence of Anglo-Saxon civilization—away from those elements of thought and action which have made this civilization the greatest on earth; and yet, under the policy now being pursued, the old Indian, with his blanket and feathers, reeking with the feverish traditions and aspirations of a past glory, gauged by the scalping knife, attuned to the barbaric music of the war dance and buffalo hunt, is permitted to stand in the pathway of his child's entrance into that civilization—to obstruct by ignorance and hereditary impulses the material welfare and prosperity of his offspring and hinder the Government in its efforts to prepare the younger generation of Indians for their incorporation into our complex political organization. The natural love of the Indian father and mother for their offspring is fully recognized, and no violence is done to those bonds of humanity; but no parent, whether red or white, has a moral or legal right to stand in the way of his child's advancement in life; no nation has a similiar right to permit a portion of its embryo citizens to grow up in ignorance and possible vice.

Under the present policy of the Department, and of Congress, as soon as the Indian has arrived at that state of advancement when he can be trusted, although partially, with his own material interest, he is urged to accept an allotment. It is difficult to teach the old Indian the value of education with reference to that allotment. It is not so difficult to prepare his child, and therefore it is axiomatic that the duty of the Government requires, if necessary, its strong hand to force an ignorant parent to allow his child those advantages which will be, not only of absolute benefit to himself, but also an element of safety to the perpetuity of its own institution. All over this broad land public schools are preparing the white boys and girls for the active duties and responsibilities of real life, but, notwithstanding our advancement and learning in this direction, it has been found necessary in some States to enact compulsory school legislation. If such a course is necessary for the white parent, it is of far more importance for the red parent. Remedial legislation along these lines is especially desirable if the full benefits to be derived from the expenditures made by order of Congress are to be attained.

## NONRESERVATION BOARDING SCHOOLS.

The location, date of opening, number of employees, rate per annum, capacity, enrollment, and average attendance of the nonreservation Indian boarding schools are shown in the following table:

TABLE 3.—*Location, average attendance, capacity, etc., of nonreservation training schools during fiscal year ended June 30, 1898.*

Location of school.	Date of opening.	Number of employees.	Rate per annum.	Capacity.	Enrollment.	Average attendance.
Carlisle, Pa.	Nov. 1, 1879	82	\$167	a 800	961	851
Chemawa, Oreg.	Feb. 25, 1880	57	167	400	354	380
Chilocco, Okla.	Jan. 15, 1884	66	167	450	331	271
Genoa, Neb.	Feb. 20, 1884	41	167	350	293	277
Albuquerque, N. Mex.	Aug. —, 1884	84	167	300	312	302
Haskell Institute, Kans.	Sept. 1, 1884	67	167	500	553	463
Grand Junction, Colo.	—, 1886	23	167	170	171	158
Santa Fe, N. Mex.	Oct. —, 1890	60	167	200	260	210
Fort Mojave, Ariz.	— do —	38	167	150	156	151
Carson, Nev.	Dec. —, 1890	24	167	150	166	144
Pierre, S. Dak.	Feb. —, 1891	17	167	150	173	146
Phoenix, Ariz.	Sept. —, 1891	60	167	400	480	418
Fort Lewis, Colo.	Mar. —, 1892	44	—	300	314	285
Fort Shaw, Mont.	Dec. 27, 1892	40	—	250	300	280
Perris, Cal.	Jan. 9, 1893	22	167	150	180	171
Plandreau, S. Dak.	Mar. 7, 1893	27	167	200	304	204
Pipestone, Minn.	Feb. —, 1893	19	167	90	150	102
Mount Pleasant, Mich.	Jan. 3, 1893	26	167	160	186	150
Tomah, Wis.	Jan. 19, 1893	20	167	125	140	114
Wittenberg, Wis. b	Aug. 24, 1895	19	—	130	133	116
Greenville, Cal. b	Sept. 25, 1895	6	—	50	57	35
Morris, Minn. b	Apr. 3, 1897	15	—	100	92	79
Clontarf, Minn. b	Apr. 4, 1897	8	—	80	42	33
Chamberlain, S. Dak.	Mar. —, 1898	10	167	80	37	36
Fort Bidwell, Cal.	Apr. 4, 1898	5	—	150	24	21
Total		880		5,885	6,175	5,347

a 1,500 with outing system.

b Previously a contract school.

In this list are comprised the largest and best equipped schools in the service. Located off the reservations they are usually in proximity to civilized centers. With a more advanced literary curriculum, and extended systems of industrial training, they are designed to receive advanced pupils from the schools and reservations. While it is difficult to adopt a rigid and inflexible rule in this respect, yet it is desirable to confine these schools to the necessities of those children who have passed through the course of study at day schools and reservation boarding schools. Industrial work is developed to a marked degree, and while at many of the schools excellent harness, shoes, wagons, etc., are turned out, yet the educative value of such training is not lost sight of or absorbed for the pecuniary benefit of the school. A good carpenter, shoe or harness maker, tailor, blacksmith, farmer, or other mechanic who has mastered his trade, not as a factory hand but as a journeyman, reflects as much credit upon the school as the graduation of its brightest intellects into teachers, etc. Manual training, the intellectual "know how" of the mechanical trades, is looked upon as a strong force in Indian schools. When the full measure of its importance in the curriculum is understood, and its relation to the life work



of the Indian boy is appreciated, its practical value will be fully recognized. Farming, stock raising, dairying, and kindred pursuits find their places in these schools whenever the environment is favorable to such pursuits. Some of the schools have well-equipped normal departments, which have developed and sent into the service a number of bright boys and girls who are now engaged in teaching their own race with considerable success. The practical education of the girls is not neglected, and they are prepared for the realities of life. Cooking, sewing, repairing, and other domestic arts and economics are inculcated, while great stress is placed upon the preparation for home life. Teach Indian girls to be good wives and home makers, and the result upon Indian character will be unbounded. The placing of Indian boys and girls at service in families of farmers, although for a few months only—the girls instructed in the practical economies of family life, the boys in farming, gardening, stock raising, etc.—has met with abundant success at Carlisle, where it first originated. Other schools have adopted this “outing system” with profit to the pupils, and its gradual extension to the majority of schools will be only a matter of time.

#### RESERVATION BOARDING SCHOOLS.

While the nonreservation schools are, as a rule, near centers of population, reservation boarding schools are situated on those reserves set apart to the exclusive use of the Indians. Being thus located they come in very close contact with the Indian in all of his varying moods. These institutions present themselves to him as an object lesson of the power and influence of the General Government; they appeal to him through his children, and awaken any smoldering sentiments for the betterment of his and their condition.

Indian boarding schools are far more complex than the average public school. When the closing hour has arrived, teachers and pupils in white schools go to their homes and enjoy around the family circle those pleasures of home life which are characteristic of the American people. The Indian reservation school, on the other hand, must combine both the home and the school—the drudgery of instruction with the multitude of petty annoyances which vex the ordinary household. Raw Indian boys and girls from the camps and tepees must be built up intellectually, morally, and socially—frequently on a very slender foundation. Traditional prejudices must be overcome, the language learned at the mother's breast discounted, and a new character and habit developed. The process is slow and the difficulties many, but with a commendable patience and missionary zeal great results are accomplished in transforming the wild Indian of the plain into a quiet everyday average citizen. The employees of a boarding school away from civilization and its pleasures must devote their entire time and attention to the work of elevating the pupils placed in their charge. Their self-sacrificing devotion to duty is commendable, worthy of praise and emulation.

The reservation boarding school should be a great feeder for the non-reservation boarding schools. Pupils who have passed through its curriculum are then ready for additional advantages. Superintendents of these schools are constantly admonished by the Indian Office of their duty with respect to these advanced pupils. The great majority have readily responded to this policy of Indian education, although at times some, through a mistaken zeal for building up their own school, have not sent to the nonreservation schools as many pupils as their curriculum and excellence of teachers warrant. The reservation and nonreservation boarding schools are coordinates of each other, and their work as it becomes more systematized will develop greater results.

There were 75 of these schools conducted last year upon the various reservations, brief statistics of which are set forth in the following table:

TABLE 4.—*Location, capacity, and date of opening of Government reservation boarding schools.*

Location.	Capacity.	Date of opening.	Remarks.
<b>Arizona:</b>			
Colorado River .....	80	Mar. —, 1879	
Keams Canyon .....	90	— —, 1887	
Navajo .....	120	Dec. —, 1881	
Pima .....	150	Sept. —, 1881	
San Carlos .....	100	Oct. —, 1880	
White Mountain Apache .....	65	Feb. —, 1894	
<b>California:</b>			
Fort Yuma .....	250	Apr. —, 1884	
Hoopa Valley .....	200	Jan. 21, 1893	
Round Valley .....	70	Aug. 15, 1881 Sept. 12, 1893	Suspended after July, 1883, by burning of building.
<b>Idaho:</b>			
Fort Hall .....	150	— —, 1874	
Fort Lapwai .....	250	Sept. —, 1886	
Lemhi .....	40	Sept. —, 1885	
<b>Indian Territory:</b>			
Quapaw .....	90	Sept. —, 1872	
Seneca, Shawnee, and Wyandotte ..	130	June —, 1872	Begun by Friends as orphan asylum in 1867 under contract with tribe.
<b>Kansas:</b>			
Kickapoo .....	30	Oct. —, 1871	
Pottawatomie .....	80	— —, 1873	
Sac and Fox and Iowa .....	40	— —, 1871 Sept. —, 1875	Iowa. Sac and Fox.
<b>Minnesota:</b>			
Leech Lake .....	50	Nov. —, 1867	
Pine Point .....	100	Mar. —, 1892	Prior to this date a contract school opened in November, 1888.
Red Lake .....	50	Nov. —, 1877	
White Earth .....	40	— —, 1871	Building burned in February, 1895.
Wild Rice River .....	65	Mar. —, 1892	Prior to this date a contract school opened in November, 1888.
<b>Montana:</b>			
Blackfeet .....	125	Jan. —, 1883	
Crow .....	160	Oct. —, 1884	
Fort Belknap .....	110	Aug. —, 1891	
Fort Peck .....	200	Aug. —, 1881	
<b>Nebraska:</b>			
Omaha .....	75	— —, 1881	
Santee .....	80	Apr. —, 1874	
Winnebago .....	100	Oct. —, 1874	
<b>Nevada:</b>			
Pyramid Lake .....	120	Nov. —, 1882	
Western Shoshone .....	50	Feb. 11, 1893	Previously a semiboarding school.
<b>New Mexico:</b>			
Mescalero .....	100	Apr. —, 1884	
<b>North Carolina:</b>			
Eastern Cherokee .....	160	Jan. 1, 1893	Prior to this date a contract school opened in 1885.
<b>North Dakota:</b>			
Fort Berthold a .....	90	Nov. 21, 1894	

a Building burned March 30, 1898.

TABLE 4.—*Location, capacity, and date of opening of Government reservation boarding schools—Continued.*

Location.	Capacity.	Date of opening.	Remarks.
<b>North Dakota—Continued:</b>			
Fort Totten.....	350	— —, 1874	At agency.
Standing Rock, agency.....	120	Jan. —, 1891	At Fort Totten.
Standing Rock, agricultural.....	100	May —, 1877	
Standing Rock, Grand River.....	80	— —, 1878	
Standing Rock, Grand River.....	80	Nov. 20, 1893	
<b>Oklahoma:</b>			
Absentee Shawnee.....	75	May —, 1872	
Arapaho.....	130	Dec. —, 1872	
Cheyenne.....	200	— —, 1879	
Fort Sill.....	125	Aug. —, 1891	
Kaw.....	60	Dec. —, 1869	In Kansas.
Osage.....	180	Aug. —, 1874	In Indian Territory.
Otoe.....	75	Feb. —, 1874	
Pawnee.....	125	Oct. —, 1875	In Nebraska.
Ponca.....	100	— —, 1865	In Nebraska.
Rainy Mountain.....	50	— —, 1878	In Indian Territory.
Red Moon.....	75	Jan. —, 1883	
Riverside (Wichita).....	100	Sept. —, 1893	
Sac and Fox.....	120	Feb. —, 1898	
Seger.....	120	Sept. —, 1871	In Kansas.
Seger.....	120	Apr. —, 1872	In Indian Territory.
Seger.....	120	Jan. 11, 1893	
<b>Oregon:</b>			
Grande Ronde.....	100	Apr. —, 1874	
Klamath.....	140	Feb. —, 1874	
Siletz.....	80	Oct. —, 1873	
Umatilla.....	100	Jan. —, 1883	
Warm Springs.....	160	Nov. —, 1897	
Yainax.....	100	Nov. —, 1882	
<b>South Dakota:</b>			
Cheyenne River.....	130	Apr. 1, 1893	At new agency. At old agency school for girls opened in 1874 under missionary auspices in Government buildings; school for boys opened in 1880.
Crow Creek, Agency.....	140	— —, 1874	
Crow Creek, Grace Mission.....	50	Feb. 1, 1897	Prior to this date a contract school opened in 1888.
Hope (Springfield).....	60	Aug. 1, 1895	Prior to this date a contract school opened in 1882.
Lower Brulé.....	140	Oct. —, 1881	
Pine Ridge.....	200	Dec. —, 1883	Suspended February 8, 1894, when building was burned. Reopened in new building February 7, 1898.
Sisseton.....	130	— —, 1873	
Rosebud.....	200	Sept. —, 1897	
Yankton.....	150	Feb. —, 1882	
<b>Utah:</b>			
Ouray.....	80	Apr. —, 1893	
Uintah.....	90	Jan. —, 1881	
<b>Washington:</b>			
Puyallup.....	200	June —, 1871	
Yakima.....	140	— —, 1860	
<b>Wisconsin:</b>			
Lac du Flambeau.....	160	July 10, 1895	
Menomonee.....	160	— —, 1876	
Oneida.....	120	Mar. 27, 1893	
<b>Wyoming:</b>			
Shoshone.....	200	Apr. —, 1879	
Total.....	8,825		

The great majority of the reservation schools are well equipped for a literary and industrial training, facilities for the latter being especially emphasized. The character of industrial training at these schools depends largely upon the peculiarities of the tribe and the character of country which they inhabit. In stock-raising countries great stress is laid upon this branch of agricultural pursuit; at other points the growing of cereals and kindred farming is undertaken, while at the schools

in those sections of Oklahoma where cotton can be produced experiments in this direction have been undertaken. At a great many schools located in the so-called "arid" West irrigation farming has been successfully taught by precept and example. In fact, the varied characteristics of the different Indian tribes and the widely separated areas they occupy render the work of industrial training complex, but in the great majority of cases instruction has been satisfactory.

#### GOVERNMENT DAY SCHOOLS.

The Government day school, presided over by a faithful, patient man and wife, as teacher and housekeeper, provide a method of instruction for Indian boys and girls of incalculable benefit to the system. These schools bring a portion of the "white-man" civilization to the home of the Indian. His children are in daily contact with the old traditions and the new ideas of the school. As a rule, industrial training on a small scale is adopted, and the boys are taught gardening, the use of simple tools, and other elements of industry with which they should become familiar as a means of earning their livelihood in the future. The girls assist the housekeeper in the preparation of a simple noon-day luncheon, and receive from her instruction in the valuable arts of domestic economy. She is taught in a simple way the adornment of the home and the purity of the home life. Unconsciously the little one bears with her back to the rude tepee or hut some small portion of the civilization with which she is in contact and will impart some of it to the older members of the family.

This day-school system is a vigorous element in the uplifting of the Indian. It has many advocates among those interested in Indian education and deserves a fostering care. There are 142 day schools, with an enrollment of 4,847 pupils, and an average attendance of 3,286. The following table gives the location and capacity of the day schools:

TABLE 5.—*Location and capacity of Government day schools June 30, 1898.*

Location.	Capacity.	Location.	Capacity.
<b>Arizona:</b>		<b>Michigan:</b>	
Hualapai—		Baraga.....	40
Kingman.....	50	Bay Mills.....	50
Hackberry.....	60	<b>Minnesota:</b>	
Suppai.....	60	Birch Cooley.....	36
<b>Navajo—</b>		White Earth—	
Little Water.....	30	Gull Lake.....	30
Orelba.....	40	<b>Montana:</b>	
Polacco.....	40	Tongue River.....	40
Second Mesa.....	40	<b>Nebraska:</b>	
<b>California:</b>		Santee—	
Big Pine.....	30	Ponca.....	34
Bishop.....	40	<b>Nevada:</b>	
Hat Creek.....	30	Walker River.....	34
Independence.....	30	<b>New Mexico:</b>	
Manchester.....	40	Pueblo—	
Mission, 11 schools.....	319	Acoma.....	50
Potter Valley.....	50	Cochita.....	30
Ukiah.....	30	Isleta.....	50
Upper Lake.....	30	Jemez.....	40

TABLE 5.—Location and capacity of Government day schools June 30, 1898—Continued.

Location.	Capacity.	Location.	Capacity.
<b>New Mexico—Continued.</b>		<b>Utah:</b>	
<b>Pueblo—Continued.</b>		Shebit .....	30
Laguna .....	40	<b>Washington:</b>	
Pahnate .....	30	Colville, 2 schools .....	80
Santa Clara .....	30	Tulalip—	
San Felipe .....	30	Lummi .....	40
San Ildefonso .....	40	Swinomish .....	40
San Juan .....	50	<b>Neah Bay—</b>	
Santo Domingo .....	30	Neah Bay .....	56
Taos .....	40	Quillehute .....	60
Zia .....	35	<b>Puyallup—</b>	
Zuni .....	60	Jamestown .....	30
<b>North Dakota:</b>		Port Gamble .....	25
Devils Lake, Turtle Mountain, 3		Cheballis .....	40
schools .....	140	Quinalet .....	40
Standing Rock, 4 schools .....	130	Skokomiah .....	40
Fort Berthold, 4 schools .....	150	<b>Wisconsin:</b>	
<b>Oklahoma:</b>		Green Bay, Stockbridge .....	50
Kiowa .....	30	Oneida, 5 schools .....	140
Whirlwind .....	20	La Pointe, 10 schools a .....	502
<b>South Dakota:</b>		<b>Total capacity a .....</b>	<b>5,164</b>
Cheyenne River, 3 schools .....	67	<b>Total number of schools a .....</b>	<b>142</b>
Pine Ridge, 31 schools .....	1,085		
Rosebud, 20 schools .....	631		

a Including Lao Court d'Oreilles No. 3 day, which was a contract school for seven months during this fiscal year.

The principal difficulty in the conduct of day schools is to maintain a regular attendance upon the daily sessions of the school. Teachers are required to exercise tact and patience to bring about this result, but the establishment of the noonday luncheon at a large number of these schools has had the natural result of bringing up the attendance. Frequently the children have long distances to walk between the school and their homes, and, being poorly fed at home, are not in the best of condition to appreciate instruction at the school. The noonday lunch satisfies the natural appetite, and even though there may be no literary aspirations in the mind of the child, the inherent desires will draw him to the school when other means would fail.

#### INDIANS IN PUBLIC SCHOOLS.

The plan of placing Indian children in the public schools of the country for the purpose of coeducation of the races, conceived in 1890, does not appear to meet with much success. Last year there was a decrease of 100 pupils from the previous year, and this year's report also shows a small decrease. Although the contract rate of \$10 per capita per quarter on the average attendance was thought sufficiently stimulating to induce the public-school authorities to increase the number of these Indian scholars, the experiment has not been the success anticipated. More decided efforts will be exerted during the fiscal year 1899, and the value and practicability of the system fully tested.

The enrollment and average attendance in public schools is shown in Table on page —, while the following table gives a list of such schools, their location, and the number of pupils for which contracts are made:

TABLE 6.—*Public schools at which Indian pupils were placed under contract with the Indian Bureau during the fiscal year ended June 30, 1898.*

State.	School district.	County.	Pupils.
California	Helm	San Diego	12
	Anahuac	do	9
Idaho	No. 1.	Bannock	5
	No. 21.	Shoshone	8
	No. 24.	Bingham	2
	No. 27.	Nez Percés	12
Michigan	No. 1.	Isabella	5
Nebraska	No. 38.	Knox	15
	No. 67.	do	2
	No. 81.	do	5
	No. 104.	do	21
	No. 105.	do	3
	No. 1.	Thurston	20
	No. 11.	do	19
	No. 13.	do	12
	No. 14.	do	25
	No. 16.	do	10
	No. 17.	do	15
Oklahoma	No. 60.	Cleveland	11
	No. 65.	Canadian	4
	No. 303.	Pottawatomie	10
	No. 17.	do	3
	No. 77.	do	10
	No. 79.	do	10
	No. 82.	do	6
	No. 90.	Lincoln	5
	No. 48.	Oklahoma	5
Utah	No. 12.	Boxelder	40
Washington	No. 87.	King	18
	No. 36.	do	3
Wisconsin	No. 1, Odanah	Ashland	15
Total			340

#### CONTRACT SCHOOLS.

It is provided in the appropriation act for the fiscal year ending June 30, 1899—

that the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among the schools of various denominations, for the education of Indian pupils during the fiscal year 1899, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children to an amount not exceeding 30 per cent of the amount so used for the fiscal year 1895.

For the fiscal year 1895 there was used for contract schools of all denominations the sum of \$463,505, of which amount \$53,440 was appropriated for schools specifically named by Congress, which leaves a total of \$410,065 as the true amount from which the 30 per cent should be taken. The amount allowed for the two schools at the Osage Reservation (\$11,250), being paid out of Osage trust money, should not, in the opinion of this office, be included in the amount set apart for contract schools, and therefore, upon your approval, that sum has been deducted from the above total, which would leave a new total for 1895 of \$298,815, of which sum I am of opinion Congress intended only 30 per cent to be used for 1899, thus making the sum of \$119,644.50 available for such purpose.

When the schedule for the fiscal year 1898 was prepared, there were

two Protestant schools—the Bay Mills, Mich., \$600, and the John Roberts, Shoshone Agency, Wyo., \$2,160, a total of \$2,760. However, during the past year the school at Bay Mills, Mich., has been discontinued, and no contract was made therefor, which leaves only one Protestant contract school in existence. In order to arrive at the amount which, in the judgment of this office, should be set aside to the Catholic contract schools, I deducted the \$2,760 from the total amount of \$119,644.50, which leaves \$116,884.50 for distribution to the various Catholic schools.

It will appear from an inspection of the schedule that the schools have been reduced ratably, rather than to eliminate any particular institution. The reason for this is that the average attendance at nearly all of such schools shows an excess over that contracted for, the number allowed being 1,763 pupils, while the average attendance during the past year was 2,313, indicating that, although reductions have been made in the number allowed, the schools have continued in their particular work.

Contracts have been executed with the different schools for the number of pupils and at the rate and for the amount given in the schedule as follows:

TABLE 7.—*Schools conducted under contract, with number of pupils contracted for, rate per capita, and total amount of contract for fiscal years ending June 30, 1895, and June 30, 1899.*

Name and location of school.	1895.			1899.		
	Number allowed.	Rate.	Amount.	Number allowed.	Rate.	Amount.
Banning, California.....	100	\$125	\$12,500	52	\$108	\$5,616
Baraga, Michigan.....	45	108	4,860	19	108	2,052
Blackfeet, Montana.....	100	125	12,500	34	108	3,672
Bayfield, Wisconsin.....	30	125	3,750	19	108	2,052
Bernalillo, New Mexico.....	60	125	7,500	34	108	3,672
Colville, Washington.....	65	108	7,020	34	108	3,672
Cœur d'Alene, Idaho.....	70	108	7,560	41	108	4,428
Crow Creek, South Dakota.....	60	108	6,480			
Crow, Montana.....	85	108	9,180	34	108	3,672
Devils Lake, North Dakota.....	120	108	14,040	72	108	7,776
Flathead, Montana.....	300	150	45,000	161	108	17,388
Fort Belknap, Montana.....	135	108	14,580	49	108	5,292
Harbor Springs, Michigan.....	95	108	10,260	34	108	3,672
Odanah, Wisconsin, boarding.....	50	108	5,400	34	108	3,672
Odanah, Wisconsin, day.....	15	30	450			
Lac Court d'Oreilles, Wisconsin, day.....	40	30	1,200			
Osage, Okla., St. Louis.....	50	125	6,250			
Osage, Okla., St. Johns.....	40	125	5,000			
Pine Ridge, South Dakota.....	140	108	15,120	86	108	9,288
Rosebud, South Dakota.....	95	108	10,260	61	108	6,588
San Diego, California.....	95	108	11,875	51	108	5,508
Shoshone, Wyoming.....	65	108	7,020	34	108	3,672
Tongue River, Montana.....	40	108	4,320	26	108	2,808
Tulalip, Washington.....	100	108	10,800	50	108	5,400
White Earth, Minn., St. Benedict.....	90	108	9,720	51	108	5,508
White Earth, Minn., Red Lake.....	40	108	4,320	27	108	2,916
Pinole, California.....	20	30	600	10	30	300
Hopland, day, California.....	20	30	600	11	30	330
St. Turbins, California.....	30	108	3,240	6	108	648
Green Bay, Wisconsin.....	130	108	14,040	45	108	4,860
Kate Drexel, Oregon.....	60	108	6,000	24	100	2,400
Bay Mills, Michigan.....	20	30	600			
Shoshone Mission, Wyoming.....	20	108	2,160	20	108	2,160
<b>Total</b> .....	<b>2,485</b>		<b>274,205</b>	<b>1,119</b>		<b>119,022</b>
Hampton Institute, Virginia &c.....	120	167	20,040	120	167	20,040
Lincoln Institution, Philadelphia, Pa. &c.....	200	167	33,400	200	167	33,400
<b>Grand total</b> .....	<b>2,755</b>		<b>327,645</b>	<b>1,439</b>		<b>172,462</b>

a Specially appropriated for by Congress.

b Not including the two schools of Osage and two Pottawatomie schools at Sac and Fox agencies, Okla., nor one day school at La Pointe Agency, which was converted into a Government school during the year.

For the reasons set forth in my last annual report, a contract with the St. Louis Boarding School, on the Osage Reservation, for 75 pupils at \$125 per capita, amounting to \$9,375, and also a contract with the St. John's Boarding School, on the same reservation, for 65 pupils at \$125 per capita, amounting to \$8,125—a total of \$17,500—were executed, and payable out of the Osage trust funds.

During the past fiscal year contracts, payable out of the educational fund of the Pottawatomies, have been made with the Sacred Heart Boys' School and the St. Mary's Academy for girls, on the Sac and Fox Reservation, Okla., for 35 boys and 52 girls, respectively, at \$144 each per capita per annum. As this fund is nearly exhausted, I have, with your approval, renewed the contract only with St. Mary's Academy for 45 pupils at \$125 per capita, which will amount to \$5,625. The determination, therefore, of this contract will absorb all of the available portion of this fund. As only one school can be maintained, I have deemed it best that all the money should be used for the benefit of the girls.

The amounts allowed for contract schools, aggregated and compared with former years, and showing the names of the denominations and private parties, are exhibited in the following table:

TABLE 8.—*Amounts set apart for education of Indians in schools under private control for the fiscal years 1890 to 1899, inclusive.*

	1890.	1891.	1892.	1893.	1894.
Roman Catholic	\$356,957	\$363,349	\$394,756	\$375,845	\$389,745
Presbyterian	47,050	44,850	44,310	30,090	36,340
Congregational	28,459	27,271	20,146	25,736	10,425
Episcopal	24,876	20,910	23,220	4,860	7,020
Friends	23,383	24,743	24,743	10,020	10,020
Mennonite	4,375	4,375	4,375	3,750	3,750
Unitarian	5,400	5,400	5,400	5,400	5,400
Lutheran, Wittenberg, Wis	7,560	9,180	16,200	15,120	15,120
Methodist	9,940	6,700	13,980		
Mrs. L. H. Daggett				6,480	
Miss Howard	600	1,000	2,000	2,500	3,000
Special appropriation for Lincoln Institution	33,400	33,400	33,400	33,400	33,400
Special appropriation for Hampton Institute	20,040	20,040	20,040	20,040	20,040
Woman's National Indian Association					2,040
Point Iroquois, Mich					900
<b>Total</b>	<b>562,640</b>	<b>570,218</b>	<b>611,570</b>	<b>533,241</b>	<b>537,600</b>
	1895.	1896.	1897.	1898.	1899.
Roman Catholic	\$359,215	\$308,471	\$198,228	\$156,754	\$116,862
Episcopal	7,020	2,160			
Friends	10,020				
Mennonite	3,750	3,125			
Unitarian	5,400				
Lutheran, Wittenberg, Wis	15,120				
Methodist		600			
Miss Howard	3,000	3,000	3,500		
Special appropriation for Lincoln Institution	33,400	33,400	33,400	33,400	33,400
Special appropriation for Hampton Institute	20,040	20,040	20,040	20,040	20,040
Woman's National Indian Association	4,320				
Point Iroquois, Mich	600		600	600	
Plum Creek, Leslie, S. Dak	1,620				
John Roberts			2,160	2,160	2,160
<b>Total</b>	<b>463,505</b>	<b>370,796</b>	<b>257,928</b>	<b>212,954</b>	<b>172,462</b>



## CHARACTER AND CONDITION OF SCHOOL PLANTS.

An examination of the buildings and plants of the Indian school service, which were erected years ago, shows a deplorable deficiency in construction, sanitary and hygienic requirements, and conveniences. These conditions may be primarily attributed to inadequate and unprofessional methods of the time, as the devising of plans was frequently intrusted to Indian agents or school superintendents, who, in turn, being devoid of the necessary technical qualification, would enlist the services of the agency carpenter or blacksmith or outside person to evolve and formulate projects which should require the best of architectural skill. In some instances, where proper plans and specifications covering material and workmanship were available, no efficient practical superintendence of the work during construction was provided, so as intelligently to enforce the terms of the contract, resulting in the introduction of bad material, careless workmanship, and the present urgent necessity for immediate expenditures looking to the preservation of these buildings.

As intimated in the reports for the past few years, sewer and water facilities, with proper systems of heating and ventilation, were things unknown in the Indian school service, the most pertinent fact being that buildings were an imperative necessity, and these important adjuncts were omitted, either from economy or the lack of appreciation of their advantages to a perfect school system. The omission of these essential elements of construction is now only too apparent, and, considering the hereditary ailments—consumption and scrofula—to which the Indian is predisposed, it has become necessary that good sanitary and hygienic expedients should be as speedily inaugurated as funds are available.

Reports upon school plants indicate that there are evidences that the buildings of the schools have not received the care and attention requisite to their proper maintenance and preservation, in that defects of little moment in their incipient stages, yet if permitted to continue soon develop into injurious proportions, have been overlooked and remedial applications too long deferred. These results no doubt arise in many instances from an overzealous desire on the part of the responsible parties to make a record for economy in the administration of their respective charges. Noting this defect in the administrative system, in the new Indian School Rules its regulation has been provided for. A small leak, slight deterioration in brick or stone work or other matters of a similar kind, if promptly taken in hand would save many dollars to the Government hereafter. There should be a happy medium between extravagance and parsimony, and agents and superintendents have been properly instructed in this matter.

The value, as reported to this office by the agents and superintendents, of the school plants of the service amount to over \$3,000,000, and in all probability the original cost was in excess of this. Much of this property, by reason of its construction under earlier systems, is of

a temporary and perishable nature, and of necessity requires constant attention and adequate expenditures for its preservation and improvement, and therefore, at least for several years to come, I am of opinion that the amount of funds appropriated for this purpose is below the actual necessities, and often the necessary economy becomes subversive of good and effective results.

In congregating and sheltering the great number of comparatively helpless children in the various Indian schools, in considering their uncivilized nature and past environment, it becomes a matter of much concern and moral responsibility to so arrange and equip these institutions that they may possess every safeguard against danger known to modern construction. The great majority of the old buildings were without any provisions for escape should a fire take place, in view of which fact, and that the greater number of children are quartered in the upper stories, together with the constant menace of fire from the use of kerosene lamps, prompt and vigorous measures have been taken to introduce fire escapes, standpipe and hose, and other methods for quenching fires in their incipient stages. It being impossible to fully equip all the buildings within a limited time with proper means for fire escape, a circular was issued directing the attention of agents and superintendents to the importance of such measures, and they were told "that where adequate fire protection has been provided it should be placed in charge of some one or more employees whose duty shall be to see each day that the apparatus is in good working order. Where no such provisions have been made, in halls, dormitories, commissary rooms, and wherever there is danger of fire should be placed pails filled with water ready for immediate use. These pails should be filled with fresh water at least twice each week and inspected daily. Supervisors and other inspecting officials are directed to thoroughly investigate this matter at each school, and a dereliction in obeying this order will be considered a grave offense and dealt with accordingly."

For various reasons many of the buildings have been constructed of wood. This practice I am satisfied is not conducive to economy, since the temporary and perishable nature of the material requires greater expense in the nature of repairs, to say nothing of the great danger of destruction by fire, especially where the water supply is not adequate to the necessities of the service. In view, therefore, of these facts, wherever possible, buildings of a permanent nature have been erected, believing it to be for the best interests of both the Government and of the service.

Great attention has been paid to effective sanitation, which can only be obtained through systems of sewerage and auxiliary house plumbing. In the location of new school plants the adequacy and sufficiency of water supply is a matter of primary consideration, and outweighs all others in the opinion of this office for such a site. Coincident with other necessary and modern improvements that are now being introduced and *contemplated*, much importance has been given the subject

of lighting, both from natural and artificial sources. Windows are so grouped as to furnish light in the most satisfactory manner and with least damage to the eyes. Two methods of improving the artificial system of lighting are available at Indian schools—electricity and gasoline gas. Each of these has been installed and is now in operation at several different schools, although they are of such recent introduction that sufficient time has not elapsed for absolutely practical and concise data to be obtained as a basis for measuring their respective merits as to efficiency and cost. It can, however, be stated without reservation that so far as they have been tried each has proved satisfactory under the conditions imposed. The Pipestone school has been lighted with gas for the past year, and in a very recent report the superintendent expresses himself with great satisfaction at the results attained, so far as the character of light and cost of production are concerned. A similar gas plant has been in operation at the Menomonee school for several months, and reports of equal efficiency have been received. On the other hand, at those places, such as Oneida, Rosebud, Pine Ridge, and other schools of similar class, electricity has proven equally satisfactory. I am satisfied, however, that for the smaller schools and in those sections where coal is very expensive the most economical system of lighting is that of gasoline gas, using the Welsbach burners.

The ring or needle bath system has now been tried at so many schools that it has passed the experimental stage. It is considered by those who use it to be the most economical, efficient, and hygienically satisfactory system of bathing yet invented for use at Indian schools. It is especially satisfactory in eliminating the dangers of contagious infections due to careless attention upon the part of employees.

Order and system being the foundation stone of any proper system of education, too much attention can not be devoted to their early impress upon the minds of the young; nor is the infusion of esthetic principles or the appreciation of the beautiful and artistic to be ignored, since their refining and elevating attributes assist materially in the cultivation and enlightenment of the precepts. Therefore it is deemed important that every detail in connection with the improvement of these Indian schools should be carefully weighed, beautified, and refined—more especially their exterior environments, where the time of the pupil is spent in recreation and pleasure. The school authorities are instructed to have due regard for these principles, to which end unsightly banks and rugged hillsides are made to give place to swarded slopes and plains with flowers and shrubs. At some of the schools, roads and pathways are little better than ditches, and form heterogeneous grid-irons, devised without thought or system, which, taken together with the possible verdureless landscape, present a most doleful and uninviting aspect to the scenery, all of which operates detrimentally upon both pupils and employees. An effort is made to impress upon the school people the necessity for joining the useful to the ornamental, improving the surroundings of the school, and, where possible, the

introduction of the study of horticulture, both as a means of pleasure and a profitable enterprise. The prominence with which road making now appeals to the average citizen of our republic presents the necessity for its introduction on our reservations and at the schools.

### RÉSUMÉ OF NEW WORK.

The largest of the new school plants are those in course of erection for White Earth and Vermillion Lake, Minn. They are complete in every detail, and will accommodate each about 150 pupils. After mature deliberation the project for the erection of a new school at Mount Scott, on the Kiowa Reservation, Okla., was abandoned, and in lieu the present schools were enlarged by the addition of a mess hall at Fort Sill, and a dormitory and mess hall at Riverside, and dormitory, mess hall, and other buildings at Rainy Mountain, increasing the capacity of each school fifty or more pupils. A new school building at Cherokee, N. C.; new dormitory and buildings at Flandreau, S. Dak.; Mount Pleasant, Mich.; Greenville, Cal.; Arapaho, Okla., have been constructed; also a new building at Little Water school, Navajo Reservation, with a sufficient water supply. The new schools at Rapid City, S. Dak.; Toledo, Iowa, for the Iowa Sac and Fox Indians; Red Moon and Cantonment, on Cheyenne and Arapaho Reservation, have been completed, and will be opened early in the next school year. A new auditorium at Haskell Institute will be an ornament and useful addition to the plant. Phoenix, Ariz., admirably located for a large southwestern Indian school, has by Congressional appropriation had its school increased from 400 pupils to 600, and new dormitories and other necessary buildings provided for. The school at Clontarf not proving satisfactory as an Indian school, principally by reason of the nearness of its location to Morris, Minn., has been discontinued and merged into the school at that point. Situated in the extreme southwestern part of Utah, and the northwestern portion of Arizona, reside a small section of the Pah Ute tribe, known as Shebits and Kaibabs. A small school has been established for their benefit at St. George, Utah, and excellent results are anticipated with these hitherto neglected Indians. At a great many of the schools, buildings and other improvements of a minor nature have been made, increasing the efficiency and modernizing their equipments. Electric-light plants have been provided at Lac du Flambeau school, Wisconsin, and other points; water, bathing, and ventilating systems, have been introduced at many schools.

### PLANS AND SUGGESTIONS FOR IMPROVEMENTS.

During the spring the school plants at Fort Berthold, N. Dak., and at Winnebago, on the Omaha and Winnebago Agency, Nebr., were destroyed by fire, thus depriving the children of those reservations of school facilities. Plans for a new building at Fort Berthold to accommodate 75 pupils, and at Winnebago for 150 pupils, are now being prepared, and these schools will be ready for occupancy September, 1899

The Kickapoo, Kans., school, by order of Congress, must be moved, and plans for a building with a capacity of 75, to be erected on the new site, have been prepared. A new school building at Tomah, Wis., is now being erected. Substantial improvements are provided for, in the appropriation law, at Puyallup, Wash.; Salem, Oreg.; Wind River, Wyo.; Pipestone, Minn.; Flandreau, S. Dak.; Tomah, Wis.; Albuquerque, N. M.; Chilocco, Okla.; Genoa, Nebr.; Mount Pleasant, Mich.; Phoenix, Ariz.; Leech Lake and Red Lake, Minn. Plans for carrying on these appropriations are being formulated, and the bulk of the work will be accomplished during the succeeding fiscal year. Out of the general school-support fund the Indian Office contemplates the expenditure of a sufficient sum to radically increase scholastic facilities for the great tribes of the Southwest, and to that end adequate additions will be made to the schools now established for the Pimas, Papagos, Navajos, Moquis, Apaches, at Sacaton, Fort Defiance, Keams Canyon, San Carlos, and Fort Apache. There are on these reservations and adjacent thereto thousands of Indians without any school advantages whatever. Although the cost of building in these sections is very high, yet with the limited funds at its disposal an earnest effort will be made by this Office for remedying existing defects. The Jicarilla Apaches in the northwestern portion of New Mexico are without school facilities of any kind, and plans are now in contemplation for the erection of a boarding school for their uses. Although the Southern Utes are bitterly opposed to the establishment of schools for their children, an effort will be made with them. While governmental efforts for the education and civilization of the Seminoles in Florida are not meeting with adequate results, yet persistent efforts will be continued in order that the fear and aversion which these people entertain toward the Government may be eradicated or abated. At Fort Peck two dormitories are in contemplation, and work on this construction will doubtless be commenced during the year. Bids have been invited for a new girls' dormitory, to be constructed at Morris, Minn., and a project for lighting the plant is now under consideration. Improvements in sewerage, water, etc., at the Menomonee school, Wisconsin, and in buildings at Oneida, are subjects for consideration. Fort Belknap school, Montana, is located at such a distance from good potable water that before any extensive repairs are made the subject of moving the school to a more advantageous site will be considered. A great amount of repairs are necessary and in contemplation.

From the report made upon the Indian school at Perris, Cal., it appears that the site is unsuited to the requirements of a large Indian school. The soil is poor, water facilities are bad, and thus no agricultural, horticultural, or other farming operations—which pursuits the children must follow in after life—can be taught practically. Such a school for southern California is a necessity, and should have at least 200 pupils, which number can readily be secured without great

effort. The present school plant is inadequate, and not in good condition. No estimate for repairs has been made because it was thought unwise to expend any more money upon this plant until the question of its removal had been determined. It is suggested that economy and good service require a change in location of this school, and should Congress authorize the same some suitable site can be readily found in southern California, where all conditions of climate, soil, water, and other essential conveniences, may be met, thus insuring a successful school in an important district.

#### SUPERVISION AND INSPECTION.

The establishment of two school supervisors' positions in addition to those already allowed has been of material advantage in the administration of the school service. The large and increasing number of schools renders adequate supervision by the old force impossible. In order that the work of the supervisors might be simplified, and give each an opportunity to visit several times each year the schools under his charge, the country was divided into five districts. In this way supervisors can see what progress the schools are making, observe their organization, methods, and morale, and secure sufficient comparative data for keeping the Indian Office fully advised upon the merits or demerits of its system, and the advancement or retrogression of employees and pupils.

During each year many thousands of dollars are expended in the erection of new school plants, and improvements and repairs upon old ones. New sites for schools are to be selected, and special emphasis is placed upon adequate sewer and water facilities. Too frequently the Indian Office in these matters must rely upon the untechnical knowledge of the officials. The amount and character of this work requires the best and most skillful expert inspection in every stage. Congress has recognized this deficiency in another branch of the service by providing that one of the Indian inspectors "shall be an engineer competent in the location, construction, and maintenance of irrigation works." No matter how perfect a plan may be prepared, if the same has not been constructed in a competent, workmanlike manner, the service must suffer. The Government has over \$3,000,000 invested in buildings for Indian schools, and such vast property should be inspected by some one competent to intelligently and skillfully direct and recommend what repairs, improvements, or necessary changes are requisite. It is therefore suggested that such an official be provided for the Indian school service at a salary sufficient to command the services of a competent expert.

## SCHOOL APPROPRIATION.

The following table shows the amounts appropriated for Indian school purposes through a series of years:

TABLE 9.—*Annual appropriations made by the Government since the fiscal year 1877 for the support of the Indian schools.*

Year.	Appropriation.	Per cent increase.	Year.	Appropriation.	Per cent increase.
1877 .....	\$20,000		1889 .....	\$1,848,015	14
1878 .....	30,000	50	1890 .....	1,864,568	1
1879 .....	60,000	100	1891 .....	1,842,770	35
1880 .....	75,000	25	1892 .....	2,291,650	24.3
1881 .....	75,000		1893 .....	2,315,612	.9
1882 .....	135,000	80	1894 .....	2,243,497	a 3.5
1883 .....	487,200	260	1895 .....	2,060,695	a 8.87
1884 .....	675,200	38	1896 .....	2,056,515	a .2
1885 .....	992,800	47	1897 .....	2,517,265	22.45
1886 .....	1,100,065	10	1898 .....	2,681,771	4.54
1887 .....	1,211,415	10	1899 .....	2,638,390	.0025
1888 .....	1,179,916	a 2.6			

a Decrease.

## INDIAN SCHOOL SITES.

**Wild Rice River, Minn.**—In 1892 the Protestant Episcopal Church, at a cost of \$980.15, erected a building adjoining the Government school at Wild Rice River, on the White Earth Reservation, in Minnesota. The building was used by a mission of that church for teaching Indian women to make lace, and was known as the "Indian lace school." January 28, 1897, the mission proposed to sell the building to the Government for Indian school purposes, and authority was granted March 29, 1897, to expend \$600 in its purchase, payment therefor to be made from the appropriation "Indian school buildings, 1897." A bill of sale to the United States from the Protestant Episcopal Church, by J. A. Gilfillan, its agent, was submitted, which conveyed not only the building but also 3 acres of land surrounding it. This office, however, was found to have no record of the assignment of this tract to the church for any use, and therefore it was deemed best to have the church convey its right in and to said land and the improvements thereon by deed, in lieu of a bill of sale; and, for the purpose of definitely describing the 3 acres and connecting it with the public survey, a survey of that tract was directed to be made.

A quitclaim deed, dated November 4, 1897, from "The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America," by Rev. Joseph A. Gilfillan, attorney, conveyed to the United States, for \$600, all its right, title, and interest in and to a certain tract of land lying in Norman County, Minn., described as follows:

Beginning at the southwest corner of the southwest quarter of the northwest quarter (SW.  $\frac{1}{4}$  NW.  $\frac{1}{4}$ ) of section number thirty-one (31), in township number one hundred and forty-five (145) north, of range number forty (40) west of the fifth principal meridian; thence north on the west line of said section number thirty-one

(31) a distance of twenty-eight (28) rods; thence east and parallel with the south line of said section a distance of seventeen and a half ( $17\frac{1}{2}$ ) rods; thence south, and parallel with the west line of said section, a distance of twenty-eight (28) rods, to the south line of said section; thence west on the south line of said section, a distance of seventeen and one-half ( $17\frac{1}{2}$ ) rods, to the place of beginning, containing three acres, more or less, together with the frame building situate thereon and the land covered by said building.

The deed was approved by the Department December 1, 1897, and was recorded in the office of Norman County, Minn., March 16, 1898, in Book F, page 569, and is recorded in this office in Miscellaneous Records, Volume IV, page 280.

**Red Pipestone Reservation, Minn.**—The following paragraph is contained in the Indian appropriation act approved June 7, 1897 (30 Stats., 87):

The Secretary of the Interior is directed to negotiate, through an Indian inspector, with the Yankton tribe of Indians of South Dakota for the purchase of a parcel of land near Pipestone, Minnesota, on which is now located an Indian industrial school.

In compliance with instructions this office submitted to the Department April 25 last a draft of instructions, with detailed information regarding the Pipestone Reservation, for the guidance of the inspector to whom should be assigned the duty of conducting the negotiations.

**Flandreau School, South Dakota.**—In the Indian appropriation act approved June 7, 1897 (30 Stats., p. 80), Congress appropriated for the school at Flandreau, Moody County, S. Dak., \$8,000 for the purchase of land to be used as an industrial farm, at a price not to exceed \$25 per acre.

August 16, 1897, Leslie D. Davis, superintendent of that school, reported that several desirable tracts lying north of the school lands could be had, which were in a state of thorough cultivation, or were excellent for pasturage. August 28 he was instructed to enter into negotiations with the owners of the several tracts, and, September 24, he submitted a description of the tracts offered him, with the prices asked.

October 6, Supervisor F. M. Conser was instructed to inspect those tracts and report as to their adaptation to the wants of the school. October 27 he recommended favorably the S.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of sec. 16, T. 107 N., R. 48 W., owned by Mr. M. H. Beadles, of Illinois; the N.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  and the E.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$  of same section, owned by George A. Phillips; and the W.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$  of said section, owned by the State. In the meantime Superintendent Davis made a supplemental report, October 11, that the N.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$  of sec. 21, T. 107 N., R. 48 W., had been offered him at \$25 per acre, a most desirable tract to obtain because it would give free and undisputed access to the river for the sewerage system then in process of construction. Later he ascertained that more than \$25 per acre would be asked for the Beadles tract.

March 7, 1898, the superintendent reported that he had negotiated for the purchase of the Phillips tract for \$4,000, and submitted deed



therefor with abstract of title. This deed, dated March 7, 1898, was submitted to the Department April 16, 1898, and was returned May 21 with the opinion of the Acting Attorney-General that it passed a valid title to the land conveyed, subject to an unsatisfied mortgage of \$1,800 held by the State, which was subsequently shown to have been discharged, and so recorded. May 26, 1898, the Department, having approved the deed, granted authority for the payment of the purchase money. The deed was duly recorded in the office of recorder of deeds, Moody County, S. Dak., June 4, 1898, in Book 15, page 209, and is recorded in this office in Miscellaneous Records, Volume IV, page 366.

Superintendent Davis had also been authorized to purchase the land held by the State, described as the N.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$  of sec. 21; but March 24, 1898, he reported that upon examination of county records he found that it was extremely doubtful if he could obtain a satisfactory title to that tract. In lieu thereof he recommended the purchase of the SW.  $\frac{1}{4}$  of sec. 16, T. 107 N., R. 48 W., which was better land, and being contiguous to the school grounds would be especially valuable to the school. June 6 he submitted a deed of even date from Albert Faegre and Sarah J., his wife, conveying to the United States for \$4,000 the SW.  $\frac{1}{4}$  of sec. 16, T. 107 N., R. 48 W., fifth principal meridian, containing 160 acres. This deed was submitted to the Department June 11, and was returned on the 5th of August with authority for the purchase and with the written opinion of the Attorney-General, dated July 1, 1898, that the deed passed a valid title. This deed was recorded in the register of deeds office for Moody County, S. Dak., volume 15, page 220, on the 12th day of August, 1898, and in this Office in Miscellaneous Records, Volume IV, page 383.

**Rapid City, S. Dak.**—The Indian appropriation act approved June 10, 1896 (29 Stats., p. 345), authorized the purchase of not exceeding 160 acres of land near Rapid City, S. Dak., at a cost not to exceed \$3,000, upon which to erect buildings for an Indian industrial school.

Inspector James McLaughlin, having been instructed to select a site, reported September 8, 1896, that he had selected 160 acres, located about  $2\frac{1}{2}$  miles west of Rapid City, lying in one body, and he forwarded deeds for the same, viz, the west 30 acres of the SW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of sec. 3, T. 1 N., R. 7 E., Black Hills meridian, South Dakota, from W. O. Temple and wife, September 4, 1896, for \$380; the west 30 acres of the NW.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  and the SW.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of said section 3, containing 70 acres, from Samuel P. Williamson, September 3, 1896, for \$1,860; and the E.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  and the NE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of sec. 4, T. 1 N., R. 7 E., containing 60 acres, from Henry P. Long, August 31, 1896, for \$760. Ninety acres in bottom land were susceptible of irrigation from Rapid Creek and Limestone Creek, through the Temple tract, both streams being reported to have a never-failing supply of excellent water.

The deeds, with abstracts of title, for these three tracts were submitted to the Secretary of the Interior September 19, 1896, and November 27, 1896, the Attorney-General reported that they conveyed a valid

title upon fulfillment of certain conditions, which were complied with. Authority was granted January 4, 1897, for the purchase of the several tracts at the prices specified in the deeds.

The deeds were recorded in the register of deeds office for Pennington County, S. Dak., in Book G—that of Mr. Temple, on page 284; that of Mr. Williamson on page 283, and that of Mr. Long on page 282. In this Office they will be found in Miscellaneous Records, Volume IV, pages 132, 136, and 140.

## THE TRANS-MISSISSIPPI INTERNATIONAL EXPOSITION AT OMAHA.

**Indian Congress.**—The Indian appropriation act of July 1, 1898, (30 Stats., p. 571), contains the following clause:

That the Secretary of the Interior be, and he is hereby, authorized to cause to be assembled at the city of Omaha, in the State of Nebraska, at such time and for such period as he may designate, between the first days of June and November, anno Domini eighteen hundred and ninety-eight, representatives of different Indian tribes, as a part of the Trans-Mississippi and International Exposition, to be held at the city of Omaha, in the State of Nebraska, pursuant to an act of Congress entitled "An act to authorize and encourage the holding of a Trans-Mississippi and International Exposition at the city of Omaha, in the State of Nebraska, in the year eighteen hundred and ninety-eight," approved June tenth, eighteen hundred and ninety-six, for the purpose of illustrating the past and present conditions of the various Indian tribes of the United States, and the progress made by education, and such other matters and things as will fully illustrate Indian advancement in civilization, the details of which shall be in the discretion of the Secretary of the Interior. And for the purpose of carrying into effect this provision the sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated; but the Secretary of the Interior is hereby prohibited from making, or causing to be made, any expenditure or creating any liability on behalf of the United States in excess of the sum hereby appropriated.

As showing the purpose and scope of the proposed congress of Indian tribes, I quote the following from a letter of instructions sent to Indian agents in regard to securing the attendance at the congress of representatives of various tribes.

It is the purpose of the promoters of the proposed encampment or congress to make an extensive exhibit illustrative of the mode of life; native industries, and ethnic traits of as many of the aboriginal American tribes as possible. To that end it is proposed to bring together selected families or groups from all the principal tribes and camp them in tepees, wigwams, hogans, etc., on the exposition grounds, and there permit them to conduct their domestic affairs as they do at home, and make and sell their wares for their own profit.

It is represented that the Indian tribes are rapidly passing away or modifying their original habits and industries by adopting those of civilization; that there are yet many tribes within our borders whose quaint habits and mode of life, which have remained practically unchanged since the days of Columbus, are little known to the majority of our own people, and that an assemblage of the kind proposed would not only be beneficial to the Indians participating, but would be extremely interesting, as well as profitable, to the large body of people in attendance.

The first step will be to select the families or groups of Indians who are to represent their respective tribes at the encampment. It is desired that the encampment should be as thoroughly aboriginal in every respect as practicable, and that the primitive traits and characteristics of the several tribes should be distinctly set forth. This point should be constantly kept in view in the selection of the Indians and in the collection of material.

The Indians chosen to attend must be full bloods, and should be good types of their respective tribes, consisting preferably of leading men or chiefs and their families. The latter should be made up of man, wife, and one or two (and never more than three) minor children. While it is desired that family groups and family life should be portrayed, it would be preferable that at least a majority of the delegation consist of adults.

Only Indians of good morals and habits should be selected, and most important of all they must be strictly temperate.

They should bring native dress if possible. They should also bring their native domiciles or the materials with which to make them. They should also bring the necessary articles with which to furnish and decorate their tepees or other domiciles. As this will be a most interesting part of the exhibit the furnishings should be as attractive and complete as possible. The necessary materials for carrying on their native arts should also be brought, so that they may engage in making articles for sale on the grounds. Where this can not be done they may bring things illustrative of their craft in reasonable quantities for sale. Necessary cooking utensils should be brought, and these should be as primitive as possible.

A collection of the implements and emblems of warfare would also be extremely interesting, and where it can be arranged with any degree of completeness it is suggested that such collection be brought. Articles to which a historical interest attaches for any reason should also be brought if practicable.

The Indians will not, of course, be at any expense for transportation to or from the Exposition or for expenses of living while in attendance there, and they will be well cared for.

July 11, 1898, the Department detailed Capt. W. A. Mercer, U. S. A., acting agent of the Omaha and Winnebago Agency, Nebr., to install and conduct the congress of Indian tribes at the Exposition, and on July 13, 1898, granted Mr. J. R. Wise, a clerk in this office, leave of absence without pay and appointed him as assistant manager to aid Captain Mercer at Omaha. From Captain Mercer's report of September 15 the following account of the congress is summarized:

The work of installing the Indians was prosecuted with as much expedition as possible, and on August 4, 1898, the Indian Congress was formally opened, and, although not nearly all of the Indian tribes which it was originally intended to have present were on the grounds, the Indians in attendance and in the parade of that day numbered about 450.

"Indian Opening Day" was a complete success, and the attendance on that day had only once been exceeded during the progress of the Exposition, and that was on July 4. There were present for that occasion about 150 Omahas and about 45 Winnebagoes—all from the Omaha and Winnebago Agency. These were not intended as permanent delegations for the congress, and they returned to their reservations after remaining about ten days. The Indians comprising the permanent delegation at that time numbered about 225, representing about 15 tribes and 18 reservations.

The work of procuring and installing delegations from other tribes was prosecuted without interruption, and at this date tribes are represented at the Exposition as shown in the following table:

Name of tribe.	Reservation.	Number in delegation.
Sioux.....	Rosebud, S. Dak.....	48
Do.....	Crow Creek, S. Dak.....	5
Do.....	Cheyenne River, S. Dak.....	9
Do.....	Lower Brule, S. Dak.....	7
Do.....	Pine Ridge, S. Dak.....	10
Do.....	Standing Rock, North and South Dakota.....	9
Blackfeet.....	Blackfeet, Mont.....	22
Assinaboine.....	Fort Peck, Mont.....	25
Sac and Fox.....	Sac and Fox, Iowa.....	16
Apache.....	San Carlos, Ariz.....	21
Apache, Jicarilla.....	Jicarilla, N. Mex.....	12
Chippewa.....	Lac du Flambeau, Wis.....	25
Do.....	Bad River, Wis.....	5
Flathead.....	Flathead, Mont.....	15
Kootenai.....		
Callapel.....		
Crow.....	Crow, Mont.....	26
Sac and Fox.....	Sac and Fox, Okla.....	33
Iowa.....	Iowa, Okla.....	4
Ponca.....	Ponca, Okla.....	30
Tonkawa.....	Do.....	10
Cheyenne (Southern).....	Cheyenne and Arapaho, Okla.....	43
Arapaho (Southern).....	Do.....	24
Kiowa.....	Kiowa and Comanche, Okla.....	22
Apache (Geronimo's band).....	Fort Sill, Okla.....	22
Wichita.....	Kiowa and Comanche, Okla.....	36
Omaha.....	Omaha, Nebr.....	31
Winnebago.....	Winnebago, Nebr.....	9
Pueblo.....	Pueblo, N. Mex.....	15
Otoe.....	Otoe, Okla.....	11
Total.....		545

Included in the band of Apache prisoners of war from Fort Sill are Chief Geronimo, the famous Apache warrior, and his able lieutenant, Nachie. The various delegations from other agencies also have many prominent men.

Many difficulties were encountered in the work of preparing and installing the Indian Congress, and in making it what it was originally intended by the Department that it should be, namely, a congress of the several Indian tribes of the United States, at which their native customs, habits, mode of dress, domestic life, dwellings, etc., should be portrayed. The greatest difficulty lay in the fact that Congress delayed the appropriation for the purpose so long that insufficient time was allowed to select, equip, and prepare the several delegations. In many cases the Indians were distrustful or did not want to come to the congress. This was especially true of some of the oldest and best types of Indians—the ones that were really most desired as delegates. As a rule, no difficulty was experienced in obtaining any number of mixed bloods or partially civilized representatives, who for many reasons were the least desired.

It required repeated efforts and much persuasion to get Indians of the desired class, such as the Utes, the Bannocks, the Shoshones, the Nez Percés, the Osages, the Navajoes, and Northern Cheyennes. After some of them had been at the Indian Congress camp a few days and

seen the Exposition and its surroundings, no difficulty would have been experienced in getting from their respective tribes delegations of any size desired, including the best men.

The delegations present are, on the whole, well equipped as to camp and outfit, and are most excellent types of their several tribes, and the Indian encampment affords an opportunity for the student of aboriginal Indian life never before presented. It was soon found, however, that this feature was of comparatively little interest to most visitors, who, having seen one or two camps, had seen them all. In other words, the real differences and characteristics of the Indians were of slight interest to the average visitor. A scientific exhibit appeals to but a small percentage of those who attend the Exposition. The greater portion of the people coming to the Exposition visit the Indian Congress, and express the fullest satisfaction. However, what they really want is amusement. They prefer to see the Indians, in their full Indian dress, on parade, conducting their ceremonies, and their dances, or engaging in sham battles. All of these are being provided so far as practicable, and the eager crowds are often larger than the grounds can comfortably accommodate.

For many weeks after the encampment opened the weather was extremely trying. Great heat, accompanied by dry, hot winds, made camp life anything but pleasant. Close upon the heated period came a week of cold, heavy rains, which made it even more disagreeable. But with the coming of clear, cool weather the camp has taken on a new aspect, and conditions are more favorable in every respect.

**Indian school exhibit.**—From the opening of the exposition on June 1, the work of the Indian Bureau has been represented there by an exhibit in the Government building similar to that prepared for the Atlanta and Nashville expositions. It presents mainly the effort of the office to educate Indians, and for lack both of space and facilities does not undertake to show what progress, outside of the schools, Indians are making in adopting the habits of thought and life, as well as the occupations, which pertain to civilization.

The attempt is made to set forth the aim, scope, and success of Indian schools, both intellectually and industrially. Certain schools were asked to send samples of the regular work of their pupils in schoolrooms and shops. The exhibit is necessarily incomplete in that it can indicate the training given Indian youth in domestic arts and in farming, gardening, care of stock, etc., only by photographs. But the trades are well represented. The course of instruction is shown, and the age and experience of the Indian workman are given. There is blacksmith and wheelwright work, from a bolt to a farm wagon; woodwork, from sloyd to a finely finished cabinet; leather, from the sewing of two pieces together to a complete harness and well-made shoes; needlework, from patchwork and darning to fine embroidery, drawn work and "real" lace,

and complete suits for men and women. Tinsmithing, printing, and painting are also shown.

Class-room papers, from kindergarten exercises and first attempts in English to geometry, physics, bookkeeping, typewriting, and stenography differ little from those that would be furnished by white schools of similar grade, except for early deficiencies in the use of English and perhaps a rather unusually good average in drawing and penmanship.

A new feature of interest is some excellent "studies" in oil by a young woman of the Winnebago tribe who is under careful training and gives promise of becoming an artist of unusual ability. The subjects are taken from Indian life.

Interesting sets of photographs give interior and exterior views of schools, and sets of floor plans and elevations of buildings now in use show the provision which the Government makes for housing its Indian school children.

Fewer schools are represented than in former exhibits, so that the work of each school may be more fully presented. They are: Non-reservation training schools at Genoa, Nebr., Lawrence, Kans. (Haskell Institute), Carlisle, Pa., and Carson, Nev.; reservation boarding schools as follows: Winnebago in Nebraska, Seger Colony and Riverside (Kiowa) in Oklahoma, Oneida in Wisconsin, Crow Creek in South Dakota, and Hoopa Valley in California; also day schools on the Pine Ridge and Rosebud reservations in South Dakota and among the Mission Indians in California.

Under the supervision of Miss Alice C. Fletcher special attention has been given to the installation of the exhibit. For decorative purposes, and also to differentiate the Indian educational exhibit from those of white schools, specimens of native Indian handicraft have been added—blankets, matting, plaques, baskets, pottery, beadwork, articles cut from red pipestone, etc. Out of these a "cosy corner" has been fashioned, and fine color effects have been secured which arrest the attention. The taste and skill displayed in the workmanship of these articles give unmistakable evidence of the native capacity which is ready to respond to the Government offer of instruction in new avocations. They show the aboriginal soil upon which education sows its seeds.

## EXHIBITION OF INDIANS.

During the past year the Department has granted authority for the taking of Indians from their reservations for exhibition purposes, as follows:

September 10, 1897, to C. L. Timmerman, secretary of the Morton County Fair Association, to secure a reasonable number of Indians from the Standing Rock Reservation, N. Dak., for exhibition purposes at the State fair held at Mandan, N. Dak. In this case no bond was

exacted, as the fair was under municipal control, and assurances were given (and faithfully observed) by responsible officials in charge that the Government would be at no expense whatever in the matter, and that they would hold themselves responsible for the proper care and protection of the Indians while at the fair, and would insure their safe return to their homes at its close.

January 22, 1898, to Messrs. Cody (Buffalo Bill) & Salisbury to take 100 Indians from the Pine Ridge and Rosebud reservations, S. Dak., for general show and exhibition purposes during the season of 1898. A bond in the sum of \$10,000 was given by this firm.

April 23, 1898, to Mr. George P. Gifford, secretary of the Milwaukee Carnival Association, for permission to secure from 100 to 200 Indians from reservation under the La Pointe Agency, Wis., in order to exhibit "a well-established representative Indian village" on the lake shore at Milwaukee, Wis., during the celebration week of June 27, 1898, commemorative of the fiftieth anniversary of the admission of the State of Wisconsin into the Union. No bond was required in this case, as assurances from the officials in charge of the celebration were given that the Government would be at no expense whatever, and due care would be observed to protect the Indians from immoral influences, etc., and to return them safely to their homes. In several other cases authority was granted for Indians to attend industrial exhibitions or local celebrations.

As stated in previous reports, whenever engagements with Indians for general exhibition purposes are made their employers are required to enter into written contracts with the individual Indians obligating themselves to pay such Indians fair stipulated salaries for their services; to supply them with suitable food and clothing; to meet their traveling and needful incidental expenses, including medical attendance, etc., from the date of leaving their homes until their return thither; to protect them from immoral influences and surroundings; to employ a white man of good character to look after their welfare, and to return them to their reservation without cost to themselves within a certain specified time. They are also required to execute bond for the faithful fulfillment of such contracts.

As usual, several applications for authority to take Indians away from home to be exhibited have been refused. Unless great care is exercised in granting such privileges the Indians taken are liable to suffer from neglect or bad treatment.

## COMMISSIONS.

**Chippewa Commission.**—The Chippewa Commission, which now consists of but one member, D. S. Hall, has continued its work of allotting lands to Chippewas in Minnesota, and of removing to the White Earth Reservation such Indians as can be induced to make their homes there.

During the year ending August 31 last 565 allotments of 80 acres each have been made by the commission, as follows:

On White Earth Reservation to—	
White Earth Mississippi.....	71
Gull Lake Mississippi.....	7
Mille Lac Mississippi.....	32
Leech Lake Pillagers.....	20
Otter Tail Mississippi.....	28
Pembinas.....	4
White Oak Point Mississippi.....	10
Cass Lake and Winnebagoishish Mississippi.....	4
On White Oak Point Reservation, to White Oak Point Mississippi....	22
On Winnebagoishish and Mississippi Reservations, to White Oak Point Mississippi.....	367

Changes have been made in allotments previously assigned Indians, as follows:

White Earth Mississippi.....	61
Mille Lac Mississippi.....	22
Gull Lake Mississippi.....	9
Otter Tail Mississippi.....	20
Leech Lake Mississippi.....	3
Pembinas.....	1
Fond du Lac.....	4
White Oak Point Mississippi.....	1
Total.....	121

The Indians induced and helped to remove to White Earth are: Leech Lake Pillagers, 30; White Oak Point, 5; Mille Lacs, 24. Seven houses, costing \$75 each, have been built for removed Indians, and five others are in process of erection.

Considerable effort has been put forth to induce the Mille Lac Chippewas to go to White Earth, but with only meager success as yet. Commissioner Hall hopes that quite a number will remove thither this fall.

The expenditures made by the commission between September 1, 1897, and August 31, 1898, are:

Salary with traveling expense and board of one commissioner ...	\$4,745.00
Salaries of one allotting and removal agent, interpreter, and clerk	1,500.00
Salaries of regular employees, 1 allotting agent and clerk, 1 teamster, and 1 tinsmith .....	2,023.55
Salaries of surveyors on various reservations .....	924.50
Salaries of irregular employees, such as acting removal agents and laborers .....	113.00
Paid for subsistence supplies for issue to removals.....	1,501.14
Paid for hardware, farming implements, wagons, etc .....	869.31
Paid for work cattle and cows.....	275.00
Paid for garden and farm seeds .....	165.78
Paid for house buildings for removals and improvements.....	621.00
Paid for rent of a warehouse at White Earth and offices wherever required .....	144.00



Paid for blank plats, and other material for office use.....	\$38. 51
Paid for feed and drugs for team and repairs to harness and wagon, and for fuel and light and repairs to office and barn.....	301. 40
Paid for transportation and board of removals, visiting Indians and reimbursements of traveling expenses of allotting and removal agents .....	795. 30
Total .....	14, 017. 49

**Crow, Flathead, Northern Cheyenne, Uintah, and Yakima Commission.**—The Indian appropriation act approved July 1, 1898 (30 Stats., p. 571), contains the following provision:

For continuing the work of the commission appointed under the act of Congress approved June tenth, eighteen hundred and ninety-six, to negotiate with the Crow, Flathead, and other Indians, fifteen thousand dollars, the same to be available for the payment of salary and proper expenses of said commission from and after the date when the appropriation of ten thousand dollars made by the act of June seventh, eighteen hundred and ninety-seven, was exhausted, and said commission shall continue its work and make its final report thereon to the Secretary of the Interior on the first day of April, eighteen hundred and ninety-nine, and upon that date the commission shall cease.

In the annual report of last year I stated that Samuel L. Taggart, of Dubuque, Iowa, replaced Charles G. Hoyt as a member of the commission. Mr. Taggart has since been appointed a special agent of this office and Mr. Hoyt has been reinstated as a commissioner; the other members of the commission are Benjamin F. Barge and James H. McNeely.

February 5, 1898, the commission submitted to the Department an agreement made with the Indians residing on the Fort Hall Reservation, Idaho, for the cession of a portion of their surplus lands. The agreement was referred by the Department, February 12, 1898, to this office for report, and on the 21st of that month this office submitted a draft of a bill for the ratification of the agreement. It was introduced into the Senate (No. 4073, Fifty-fifth Congress, second session) and was favorably reported by the Senate Committee on Indian Affairs. A full history of the matter is contained in Senate Doc. No. 169, Fifty-fifth Congress, second session.

The commission also concluded an agreement with the Uintah and White River Utes by which they sold, ceded, and relinquished to the United States necessary lands for the use of such of the Uncompahgre Utes as might conclude to remove to the Uintah Reservation. This agreement was submitted by the Department to the Senate January 21, 1898, with recommendation that it receive the favorable action of Congress (Senate Doc. No. 80, Fifty-fifth Congress, second session), but no action appears to have been taken thereon by Congress.

The commission is still in the field, and it is trusted that it will complete its work by the 1st day of next April.

**Five Civilized Tribes Commission.**—The Curtis act, referred to hereafter, added largely to the duties of the commission to the Five Civilized

Tribes. Among other things it devolved upon them the work of allotting the lands of the five tribes; also it made the enrollment of each tribe by the commission conclusive as to the membership of that tribe. The commission spent several months last year in Washington looking after legislation affecting the Five Tribes, and especially assisting in the preparation of the Curtis bill. They are now in the Indian Territory engaged in the duties assigned them by previous acts of Congress as well as by the Curtis act.

By the Indian appropriation act for the current fiscal year the membership of the commission was reduced from five to four, and Frank C. Armstrong tendered his resignation. The commission now consists of Hon. Henry L. Dawes chairman, Archibald S. McKennon, Tams Bixby, and Thos. B. Needles.

**Puyallup Commission.**—The Indian appropriation act approved July 1, 1898 (Public No. 175), contains the following clause relative to the Puyallup Commission:

For compensation of the commissioner authorized by the Indian appropriation act approved June seventh, eighteen hundred and ninety-seven, to superintend the sale of land, etc., of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars.

The former Puyallup commissioners (Messrs. Anderson, Renfroe, and Alexander) were relieved from duty, as stated in last annual report, on December 1, 1896. All of the official papers, documents, etc., in their possession were turned over to the superintendent of the Puyallup Indian School, who was acting Indian agent. He made collections of some deferred payments due on certain lands sold, both allotted lands and agency-tract lots and blocks, and reported the same to this office—the funds from the allotted lands being for distribution among the parties entitled, and the agency-tract funds for deposit in the Treasury to the credit of the tribe.

Clinton A. Snowden, of Tacoma, Wash., was appointed by the President on June 22, 1897, to be commissioner to look after lands of the Puyallup Indian Reservation, and instructions, approved by the Department, were furnished him July 27, 1897. He has been engaged since that time in conducting the sale of Puyallup lands, collecting deferred payments due upon such lands previously sold, obtaining further consents of allottees to the sale of portions of their lands not needed for homes, and determining who are the allottees and true owners, including heirs of deceased allottees, etc.

All the funds specially appropriated by Congress for the expenses of this work have been exhausted, but July 13, 1898, the Department decided that the necessary expenses of the sale of both allotted and agency lands could be paid out of the proceeds of those already sold and of those to be sold hereafter, except the salary of the commission, which is provided for by special appropriation. The sale of these lands is not rapid, and the collections of deferred payments are coming in slowly.

**Uncompahgre Commission.**—May 26, 1898, Erastus R. Harper was appointed commissioner in the place of James Jeffreys. The work of the commission in making allotments to Uncompahgre Utes is referred to on page 42. It is anticipated that the commission will complete its work during this month.

**Uintah Commission.**—July 14, 1898, Messrs. Erastus R. Harper, Ross Guffin, and Howell P. Myton, members of the Uncompahgre Commission, were appointed commissioners to allot lands to Indians upon the Uintah Reservation in Utah, and to negotiate for the cession of the lands remaining unallotted under the provisions of the act of June 4, 1898 (30 Stats., p. 429).

Instructions for their guidance in making allotments were submitted to the Department August 6, 1898, and approved August 10, 1898. It is not expected that they will enter upon duty as members of the Uintah Commission until they shall have completed their duties on the Uncompahgre Reservation.

### SALE OF LIQUOR TO INDIANS.

My last annual report mentioned several investigations made by Special Agent R. J. W. Brewster, of the Department of Justice, into the sale of intoxicating liquors to Indians in Oklahoma and Nevada. Similar investigations have since been made by him at the Round Valley Agency, Cal.; Nez Percé Agency, Idaho; and in the Indian Territory, where it was found that parties were engaged in the wholesale debauchery of Indians by the introduction and sale of intoxicating beverages.

At Round Valley, Agent Brewster found an exceptionally bad state of affairs, and through his efforts seven persons were arrested and held to trial on the charges of introducing liquor into the Indian country and furnishing it to Indians. Five of them have been convicted and sentenced. It was also found that the school superintendent, who acts as agent, had to contend not only with liquor traffic among the Indians, but also with other forms of iniquity, so that, owing to his activity in endeavoring to suppress them and to protect his Indians from the demoralizing influence of their white neighbors, his life was continually in jeopardy, several attempts having been made to assassinate him.

Special Agent Brewster was no less successful in his investigation at the Nez Percé Agency. Several arrests were made there of persons charged with introducing liquors within the prohibited territory and selling it to Indians, and many against whom warrants had been issued fled the country in order to avoid the punishment that was sure to follow. This office has not been informed of the results of trials of the parties arrested, but it is believed that the cases made out were so clear that the parties must have been convicted and punished.

Although the United States attorney for the southern division of the Indian Territory had reported that no intoxicating liquors were being sold within his jurisdiction, the first place touched by Special Agent Brewster—Ardmore, in the Chickasaw Nation—was found to be infested with liquor dealers. A number of saloons were running in open violation of the law, and he seized there some 206 barrels of bottled beer in the possession of two wholesale dealers. The condition was found to be but little better at other towns in that nation. A number of persons were arrested by reason of the evidence obtained by Mr. Brewster, and many have been convicted and sent to the penitentiary.

The most serious disclosure was the fact that some of the officers of the court were frequently intoxicated, especially one United States commissioner by the name of Kean, at Purcell, Chickasaw Nation, who, at the time of the investigation, arrived at Purcell to hold court in such a state of intoxication as to be unable to perform his duties. This man was removed by Judge Townsend when the matter was laid before him by Special Agent Brewster, as were also two other persons, members of the bar at that place. It also appeared from this investigation that the only person at Wynnwood who had authority to suppress the liquor traffic and to make arrests therefor was an Indian policeman by the name of Walner, and he was found by Mr. Brewster in such a state of intoxication as to be hardly able to walk. This man was summarily dismissed by order of this office as soon as the facts were ascertained.

Complaints have been received from the superintendent in charge of the Florida Seminole Indians of the traffic in intoxicating liquors with these Indians, and steps have been taken through the Department of Justice to suppress it. These reports came to hand some months ago, and no further complaints have since been received.

At Devils Lake Agency a very unfortunate case occurred in connection with the drinking of some lemon extract purchased by Indians of that agency at a place near the reservation. With a report dated April 20, 1898, Mr. F. O. Getchell, agent at Devils Lake, transmitted to this office a sample of lemon extract, with the statement that of three Indians who drank some of it, one had died, and the others had lost their sight and were otherwise suffering severely. The matter was submitted to the Department April 30, 1898, with the recommendation that the Department of Justice be requested to issue instructions to the United States attorney for North Dakota to endeavor to secure the punishment of the parties furnishing the extract to the Indians if sufficient evidence could be produced to bring the matter within the statutes prohibiting the sale of intoxicating liquors to Indians. A sample of the lemon extract was inclosed to be forwarded to the Agricultural Department, with the request that it be analyzed, and later a larger quantity of the extract was obtained for the use of the chemist.

August 8, 1898, the Secretary of Agriculture reported the result of the analysis, from which it was shown that wood spirit was used in the manufacture of the extract. His letter is as follows:

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D. C., August 8, 1898.*

SIR: I have the honor to report the following results of an investigation made in the chemical division of this Department of a sample of lemon extract purchased at Minnewaukon, N. Dak., and which was sent to us as of the same kind that caused the death of an Indian at the Devils Lake Agency at Fort Totten, N. Dak.

The alcohol was distilled off from a small portion of the sample, and the residue obtained was administered to a dog, after dilution with water. There was no effect whatever, showing the nonpoisonous nature of the nonvolatile portion of the material. The quantity given to the dog was equivalent to more than a pint for a man weighing 130 to 140 pounds.

An attempted determination of the percentage of alcohol in the extract gave such an unusual result that it was evident that some other substance beside ordinary grain alcohol formed the basis or solvent of the extract. A careful test by the most approved methods was therefore made for methyl alcohol (wood spirit), with the following result: The first test was the oxidation test, by means of which there should be formed, in the presence of ordinary ethyl alcohol, ethyl aldehyd, which has a characteristic odor and reduces silver nitrate but slightly under the conditions of the experiment. In the presence of methyl alcohol formic acid is formed, which reduces silver nitrate very abundantly. The test was made not only with the sample of lemon extract, but also with samples of methyl and ethyl alcohol of known purity. There was decided evidence of the formation of formic acid in the case of the sample of lemon extract, both from its characteristic odor and from the marked reduction of silver nitrate, showing the presence of methyl alcohol in the original material.

The latest and perhaps best test for methyl alcohol, in the possible presence of ethyl alcohol, is that of A. Lam, reported in the *Zeitschrift für Angewandte Chemie*, February 8, 1898, page 125. This process consists in the conversion of the methyl alcohol into methyl iodid and the ethyl alcohol into ethyl iodid, purifying the product, and determining its specific gravity. Mr. William H. Krug, who performed the laboratory work, carefully prepared a sample of iodid of the unknown alcohol radicle contained in the lemon extract, and also iodids from samples of methyl and ethyl alcohol of known purity. Of these preparations, the careful determination was made of the specific gravity and boiling points. The results, both of the lemon extract and of the pure materials, are shown in the following table:

	Sp. gr. at 15.5° C.	Boiling point. ° C.
Iodid from lemon extract.....	2.2742	43.5
Iodid from methyl alcohol.....	2.2725	43.5
Iodid from ethyl alcohol.....	1.9441	72.4

The boiling point of methyl iodid, reported by Bernstein, is 44° C., and that of ethyl iodid 72.34°. These results show that the alcohol contained in the lemon extract was probably all methyl alcohol. The nature of the solvent used in the preparation of the lemon extract which caused the death of the Indian at Fort Totten is therefore very evident. The quantity of the material available was not sufficient to determine the degree of purity of the wood spirit which had been used in the preparation of the extract. While wood spirit in its crude form is very poisonous, its poisonous properties are largely due to the impurities contained in it, and not to the methyl alco-

hol, which forms its prominent ingredient. The degree of refinement of the article used, therefore, is important, and it is to be regretted that enough of the material might not have been had to determine this point.

Of interest in this connection is the case of poisoning by drinking lemon extract, which occurred in the last ten days at Ripley, W. Va. An inquiry has been sent there in regard to the name of the physician who attended the case, with the hope of obtaining for your use a statement of the symptoms exhibited by the gentleman who died from the use of lemon extract.

Also of interest are the cases of poisoning which occurred recently at Camp Alger from the use of methyl alcohol. A request has been sent to the Secretary of War for a statement of the medical officers in charge in regard to the symptoms exhibited by the soldiers who had drunk the wood spirit.

Any further information which these inquiries may bring will be forwarded to you promptly on its arrival.

Respectfully,

JAMES WILSON, *Secretary.*

The SECRETARY OF THE INTERIOR.

A copy of the foregoing letter was transmitted August 24, 1898, to the Department with recommendation that it be forwarded to the Department of Justice in connection with previous correspondence on this subject.

From the special report of Maj. William H. Devine, brigade surgeon, First Division Hospital, Second Army Corps, the following extract relating to cases of poisoning from drinking wood alcohol by soldiers at Camp Alger, referred to in the above letter from the Secretary of Agriculture, has been furnished this office by the Department of Agriculture, viz:

*Cases Nos. 3 and 4.*—Privates John Shiffen and John J. Lee, Company G, Seventh Ohio Volunteer Infantry, were admitted soon after noon on July 25, 1898, with symptoms of acute poisoning. Both men were able to walk into the ward and admitted, when confronted with the query, that they had, in lieu of whisky, drank wood alcohol diluted with water and sweetened. Shiffen and Lee were but two of a number of privates in this regiment who drank this concoction, but having indulged in it to much greater degree than almost any of the others they were more seriously affected. One of their companions did, however, die in his regimental hospital. The symptoms which these two men presented were gastric pain of an acute character, relieved at times by cessation of the pain; almost persistent vomiting, dryness of the mouth and throat, though the tongue and buccal cavity seemed moist. An inordinate and insatiable desire for water, which is characteristic of poisoning cases of this class, was noticeable in both men, who drank eagerly the water that was given them, only to vomit it a few moments after its reception into the stomach. Temperature of both men normal when admitted and did not rise above 99° at any time. The speech quite coherent, but the eyes with dilated pupils, incapable of recognizing either persons or things only a few feet distant. Shiffen, after an awful struggle, in which he tossed about incessantly, crying all the while for water, gradually sank into unconsciousness, in which state he died at 7.30 p. m. the same day. For an hour before death he was almost pulseless, heart dicrotic, and toward the last Cheyne-Stokes breathing.

Lee died at 2 a. m. on the morning of the 26th, after evidencing practically the same effects of the poisoning as did Shiffen. His temperature at 9 o'clock p. m., five hours before death, registered 93.4°, but after the application of hot-water bags rose to 95.3°. It is believed that both men died from an acute nephritis, although no necropsy was permitted. Both men, it was learned, had been drinking the wood

alcohol for two days before admission, but no alarming symptoms made their appearance until the conclusion of thirty-six hours' time. Shiffen died six hours after admission and Lee thirteen hours after.

Treatment: Before admission, strychnia hypodermatically for stimulation and bismuth and egg albumen as a sedative and antemetetic; at First Division Hospital, strychnia, hot-water bags, friction, emulcents, etc.

WILLIAM H. DEVINE,  
Major and Brigade Surgeon,  
Surgeon in charge First Division Hospital.

## ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual report is as follows:

### ON RESERVATIONS.

During the year patents have been issued and delivered to the following Indians:

Sioux of the Crow Creek Reservation, S. Dak.....	10
Sioux of the Devils Lake Reservation, N. Dak. (including three previously issued, but not delivered) .....	96
Mission Indians on the Temecula Reservation, Cal .....	85
Omahas, Nebraska .....	8
Sac and Fox of the Missouri, Kansas and Nebraska.....	8
Winnebagoes, Nebraska.....	5
Chippewas, Lake Superior, Lac Court d'O'Reilles Reservation, Wis.	18
Yakimas, Washington.....	1,713

Allotments have been approved by this office and the Department and patents are now being prepared in the General Land Office for the following Indians:

Chippewas of Wisconsin, Bad River Reservation.....	135
Sioux of the Devils Lake Reservation, N. Dak.....	260
Indians of the Hoopa Valley extension (connecting strip) California.	478

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

Sioux, Rosebud Reservation, S. Dak.....	844
Chippewas, Lac du Flambeau Reservation, Wis.....	135

The condition of the work in the field is as follows:

**Otoe Reservation, Okla.**—The schedule of allotments made to the Otoe and Missouria Indians, which had been submitted for Department approval April 6, 1895, was returned November 4, 1897, with instructions that Special Allotting Agent Helen P. Clarke be directed to proceed to the Ponca Agency and, in connection with the agent, adjust existing difficulties in regard to these allotments. Instructions were accordingly submitted for Department approval November 12, 1897, and Miss Clarke soon after entered upon duty. Up to the 30th of July she had made 191 allotments; the number of allotments on the previous schedule was 395. The persistent opposition of a large faction of the tribe to the holding of lands in severalty renders the progress of the work slow and tedious.

**Klamath Reservation, Oreg.**—The work on this reservation has been continued by Special Agent John K. Rankin, who prior to July 23 last had made 305 allotments, which, added to the 755 made by Special Agent Worden, makes a total of 1,060, or 42 more than the total number of Indians of the reservation as given in the last annual report. Doubtless many absentees have returned to the reservation in order to claim their right to an allotment thereon. It is thought that the field work should be completed at an early date.

By decision of the circuit court of the United States, published in full on page — of this report, the lands in this reservation which are covered by the grant to the State of Oregon have been declared subject to allotment to Indians.

**Umatilla Reservation, Oreg.**—May 4, 1897, this office instructed Agent Harper, of the Umatilla Agency, to allow certain Indians, some 40 or 50 in number, who were not present when allotments were made to the Indians on the Umatilla Reservation, to make selections of lands to be allotted them there. Agent Harper failed to complete this work before his successor, Mr. Wilkins, was appointed, and May 28 last this office instructed Agent Wilkins to take up the work where Mr. Harper left off and carry it to conclusion. Agent Wilkins has not yet submitted his report.

**Lower Brulé Reservation, S. Dak.**—It was stated in the last annual report that about 550 of the Lower Brulé Sioux had gone to the Rosebud Reservation, S. Dak., and that it was expected that these Indians would finally be settled on that reservation, south of and near White River, where they had formerly resided. Also that, in view of the removal of these Indians, it would be necessary to readjust the allotments made to the Indians remaining on the Lower Brulé Reservation. Under a clause contained in the Indian appropriation act of 1897, Inspector James McLaughlin was sent to South Dakota to negotiate agreements between the Lower Brulé and Rosebud Indians for the surrender by the latter to the former of the lands selected by the Lower Brulés south of White River.

Agreements were concluded by him by which the differences between those two bands of Indians were adjusted, and a bill to ratify these agreements was drafted by this office and introduced into the Senate (Senate bill 4623, Fifty-fifth Congress, second session), and was favorably reported by the Senate Committee on Indian Affairs. A full history of this matter, with agreements, reports, council proceedings, map, etc., may be found in House Doc. No. 447, Fifty-fifth Congress, second session. For further information, see also Senate Report No. 1266 of the same session.

When these agreements shall have been ratified by Congress, steps will be taken to readjust allotments on the Lower Brulé Reservation, and also to make allotments to the Lower Brulés located on the Rosebud Reservation.

**Rosebud Reservation, S. Dak.**—The work on this reservation has continued during the year under the direction of Special Agent William



A. Winder, who, up to July 30, had made 2,305 allotments. Special Agent John H. Knight has recently been assigned to assist him, in order that the progress of the work may be hastened. There remain to be made some 1,200 allotments.

**Sioux ceded lands.**—May 6, 1896, Special Allotting Agent William A. Winder transmitted to this office a schedule of 15 allotments to the Sioux residing or entitled to reside on the Old Ponca Reservation, Nebraska Strip, Nebr., embracing the following families: Barker, Whiting, Anderson, and Lewis. The schedule was forwarded to the Department June 7, and was approved June 10, 1898, with instructions that patents issue.

March 10, 1897, Allotting Agent Winder transmitted to this office a schedule of 10 allotments made to Sioux residing or entitled to reside on the Sioux ceded lands in South Dakota. This schedule, which embraced two families—Scissons and Boucher—was transmitted to the Department June 9, 1898, and was approved on the 11th of that month, with instructions that patents issue in the names of the several allottees. On August 4, 1898, the Commissioner of the General Land Office transmitted the patents to this office, and they will be transmitted to the United States Indian Agent at an early date for delivery to the parties entitled.

June 28, and August 4, 1898, Allotting Agent Winder was instructed in regard to making allotments to an Indian named John Bob Tail Crow and his children on the Sioux ceded lands. This tract, covering 1,251 acres, was occupied and claimed by them when the Sioux agreement of March 2, 1889, took effect by the proclamation of the President dated February 10, 1890. Shortly afterwards several white men filed homestead entries upon these lands, and a contest in behalf of the Indians was initiated before the local land office. By appeal the case came before the General Land Office, where a representative of this office made a personal argument in favor of the Indians, based upon the evidence submitted. From the Land Office the case was again appealed, to the Secretary of the Interior, who sustained the decision of the Commissioner of the Land Office in favor of the Indians. Again the Indians nearly lost their lands by the attempt of the white men to purchase them for a paltry consideration, which this office refused to allow. The lands were finally allotted to the Indians, and schedule of allotment was forwarded to the Department for approval on the 8th of this month.\*

**Uncompahgre Reservation, Utah.**—Owing to the early beginning of winter, the commission appointed under the act of June 7, 1897 (30 Stats., 62), to make allotments to Uncompahgre Utes was unable to make any allotments on the Uncompahgre Reservation prior to the 1st of April, 1898; and on that day all the lands therein, except those containing gilsonite, asphalt, elaterite, or other like substances, became

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\* These allotments were approved by the Department, September 28, 1898.

open for location and entry under all the land laws of the United States. A number of allotments were, however, made to the Uncompahgres on the Uintah Reservation.

As soon as the weather permitted the commission commenced the work on the Uncompahgre Reservation. May 19, 1898, the chairman was instructed that where Indians were in actual possession of lands and had improvements thereon, such lands, whether surveyed or not, should be allotted to them to the extent of the quantity to which they were respectively entitled.

The commission reports that it has made 283 allotments to Uncompahgres, 75 being on the late Uncompahgre Reservation and 208 on the Uintah, except that in a few allotments tracts were selected from both reservations. There are about 300 Uncompahgres yet to be allotted.

June 16, 1898, in accordance with the request of the Commissioner of the General Land Office, the chairman was instructed to furnish the register and receiver at Salt Lake City with a list of the allotments already made on the former Uncompahgre Reservation, and of such as the commission should make thereafter as soon as they should be completed, in order that entries might not be allowed upon lands occupied by and in possession of Indians.

From informal information received from the commission it is believed that it has made many allotments to Indians who were not in occupation of the lands allotted, but were unwilling to remove to the Uintah Reservation. I doubt whether there is any authority of law for making such allotments, and am of the opinion that there is also some question as to whether even the Indians in possession of lands could lawfully be allotted after the 1st of last April. To remove all doubt it is suggested that Congress should be asked to legalize the allotments on the Uncompahgre Reservation made after the 1st day of April, 1898. As there appears to be no demand for the lands in the reservation except those containing asphaltum, etc., which are not open, there would appear to be no objection to such legislation.

**Yakima Reservation, Wash.**—Upon the report of Agent Lynch, of the Yakima Agency, that small bands and families of Indians were scattered over the central part of the State of Washington, who rightfully belonged upon the Yakima Reservation, Special Allotting Agent William E. Casson was instructed. November 1, 1897, to proceed thither for the purpose of making allotments to such of these Indians as could be persuaded to locate on the reservation. July 30 he reported that he had made 471 allotments, and on the 31st that he expected to complete the work on the 20th of August.

**Shoshone Reservation, Wyo.**—John T. Wertz, of Omaha, Nebr., is engaged in completing the Shoshone allotments. Up to July 23, 1898, he had made 78. His predecessor, John W. Clark, of Georgia, had made 1,310 allotments on that reservation. The completion of this work has been somewhat retarded by the delay in making the official surveys of certain townships and fractional townships necessary for allotments.

According to the last annual report there are on this reservation 1,687 Indians—Shoshones, 872; Arapahoes, 815. As 1,388 allotments have been made there are 299 yet to be made, provided all the remaining Indians conclude to accept them.

#### OFF RESERVATIONS.

In last year's report I referred to the fact that Special Allotting Agent Kinnane and his successor, George A. Keepers, had been engaged in the investigation of alleged fraudulent Indian allotment applications in the States of Minnesota and Wisconsin. It was charged that such applications had been made by mixed bloods in order to obtain the timber and for speculative purposes, rather than for agriculture and grazing. Agent Keepers has continued his investigations and ascertained that many applications were made for the purpose indicated and on that account he has recommended their cancellation. In transmitting his report and the accompanying testimony to the General Land Office, this office has uniformly concurred in his recommendations. The Land Office has already finally canceled many of the allotment applications, and others are held for cancellation. The respective applicants have been notified of such action by the local land officers and will be given an opportunity, at a hearing ordered for such purpose, to establish their rights, if they have any, to the lands involved.

Some twelve or fifteen applications were found to have been made by full bloods in good faith for lands for homes.

Originally there were about 400 of these alleged fraudulent applications to be investigated, located principally within the Duluth, Minn., land district. January 18, 1898, this office called upon Agent Keepers for a report of the number of applications then in his hands for investigation, and January 31, 1898, he replied that he had some 175 then on hand and that it was often very difficult to find the Indians and obtain their testimony, especially as the Indians whose applications were then on hand were widely scattered, some of them living in what is known as the "Rainy Lake Country," others in the southern part of Minnesota, and still others in different parts of Wisconsin. He further stated that he was pushing the investigation as rapidly as possible and that as he investigated each application he would report upon it.

In my last report I stated that William E. Casson, of Wisconsin, was instructed August 4, 1897, to proceed to Burns, Oreg., for the purpose of making allotments to Indians in the Burns local land office district and adjacent localities. In that district he made 110 allotments to Piutes, a remnant of the tribe which formerly occupied the Malheur Indian Reservation. Schedule of these allotments was submitted to the Department May 14 and was approved May 17, 1898, and a duplicate thereof was transmitted to the General Land Office with request that patents issue in the names of the several allottees, and when issued *that the same be sent to this office for delivery to the parties entitled.*

Upon completion of his work in the Burns district, Oregon, Special Agent Casson was instructed, as has already been stated, to proceed to the Yakima Reservation, Wash., for the purpose of completing allotments to the Indians there, and also of making allotments to non-reservation Indians located upon the public domain in the southern portion of that State. In connection with his reservation work he has given some attention to Indian homesteads in contest and to nonreservation-allotment matters in that section.

June 18, 1898, this office transmitted to the Department a schedule of allotments to nonreservation Indians residing in Susanville, Cal., land district, the allotments being numbered from 766 to 927; but Nos. 884 to 907 were in conflict, and Nos. 783, 784, 785, and 808 had been canceled. June 21, 1898, this schedule was approved (with the exceptions noted) by the Acting Secretary of the Interior, and duplicate thereof forwarded to the General Land Office in order that patents might issue in the names of the several allottees, the same to be transmitted to this office for delivery to the parties entitled.

These, with the 110 allotments made in the Burns district, Oregon, make 272 allotments to nonreservation Indians which have been made and approved since last annual report. Other applications are now on file in this office which will receive early consideration.

The number of allotment applications received by this office by reference from the General Land Office is not quite so large as usual. It is to be inferred from this that most of the Indians located upon the public domain who have knowledge of their rights under the general allotment act, as amended, and of the method of procedure to secure an allotment, have made application for lands. However, there are yet many Indians living upon the public lands who have not applied for allotments, and if they are to be advised of their rights and assisted in making applications it will be necessary to send some Government official among them for that purpose. Allotting Agent Keepers will be assigned to this duty upon the completion of the work already assigned him, and perhaps Allotting Agent Casson, unless it should be deemed important to keep the latter upon reservation allotment work.

### INDIAN HOMESTEADS.

As heretofore reported to the Department, a few Indians have made entries under the Indian homestead laws of 1875 and 1884. Such entries were made principally before the approval of the general allotment act of February 8, 1887. Indian entrymen are slow in making final proof and obtaining title to their lands, and thus it frequently happens that white men institute contests against Indian homestead entries. The usual number of such cases have received consideration by this office during the year. As stated in my last report, it is difficult to protect the Indian in his rights, because he is ignorant and is unfamiliar with the public land laws; yet in many cases the homes of Indians have been saved to them.

**Winnebago Homesteads in Wisconsin.**—In the annual reports of this office for the years 1895, 1896, and 1897 the status of the homestead entries and selections by the Winnebago Indians of Wisconsin, the laws under which they were made, and the necessity for their investigation were set forth in detail. It is gratifying to state that all except 8 of these original entries and selections, in number 680, have been finally disposed of. Of these, 7 are in a fair way for final disposition, the Indians having paid their fees for final proof. The Indian claiming the eighth, being absent from the State, has taken no steps to complete his entry.

Since the investigation of the original Winnebago homestead entries was completed, in 1896-97, about 40 other Winnebago Indians have taken up homesteads under the act of 1875 (18 Stats., 420), and the Winnebago act amendatory thereof approved January 18, 1881 (21 Stats., 316). These entries were made by the Indians in order that they might hold their rights to annuities, as provided in said acts. Final proof of these entries can not be made, of course, by the Indians until the proper time has elapsed under the public-land laws. Such proof should be completed within the statutory period—seven years from date of entry.

### IRRIGATION.

**Gila Bend Reservation, Ariz.**—Nothing has been done in the matter of supplying this reservation with water since the date of my last annual report, neither has any information in addition to that given therein been obtained except a report of Special Allotting Agent Claude N. Bennett, forwarded to the Department September 4, 1897, which gives a brief description of the different canals on the reservation, all of them at present of little or no use to the Indians. On the 7th of this month the office recommended that Inspector Graves be instructed to investigate the matter and report the most feasible plan for supplying these Indians with water.

**Navajo Reservation, Arizona and New Mexico.**—April 9, 1898, George Butler, the superintendent of irrigation for the Navajoes was advised that the fund specially appropriated by Congress for Navajo irrigation purposes would be about exhausted at the close of the fiscal year which ended June 30 last, but that possibly \$5,000 might be taken from the general irrigation fund for his work during the fiscal year 1899. He was directed to submit a plan showing the character of the work which he could probably accomplish with that sum and the benefits which would result, and to submit the proposed plans to the acting agent for the Navajoes for his consideration.

July 5, 1898, the superintendent, with the hearty approval of the agent, recommended the expenditure of \$3,500 in the completion of the Red Lake system of irrigation. This comprises a reservoir containing 618.5 acres, known as the Red Lake Reservoir, and the ditches leading therefrom, which, together with Black Creek and the ditches therefrom, are planned to irrigate 995.4 acres of land divided into five separate tracts.

Superintendent Butler also recommended that, after completing this system, the remainder of the year and of the money be devoted to the numerous Indians who come to him from all parts of the reservation to ask aid in their small projects for the construction of small storage ponds and ditches to water from 10 to 15 acres. July 28 the Department was asked to authorize the expenditure of \$3,500 for the Red Lake system, but it decided to authorize the expenditure of the \$1,500 on small ponds and ditches and to delay action in regard to the Red Lake system until after it should have been examined by Inspector Graves, who has general supervision of Indian irrigation.

**Southern Ute Reservation, Col.**—The subject of irrigation for the Southern Utes is taken up under the head of Southern Utes on page 73.

**Fort Hall Reservation, Idaho.**—November 5, 1897, Lieutenant Irwin, in charge of the Fort Hall Agency, reported that the Idaho Canal Company, in compliance with the terms of its supplemental contract of October 2, 1896, had completed the two diverting dams across the Blackfoot River, and had delivered the second 100 cubic feet of water per second at the point designated in said contract. December 18, 1897, he reported that liens had been filed against the company, amounting in the aggregate to some \$13,944. December 28, 1897, the Department authorized the payment to the company of the second installment due under the terms of its contract being \$37,500, less \$15,000 to be retained until the company should file satisfactory evidence that the liens and indebtedness had been discharged. January 18, 1898, the Department authorized this office to cause an account to be stated in favor of the company for the aforesaid sum of \$15,000, Lieutenant Irwin having informed the Department that the claims against the company had been settled, excepting for small amounts which could be settled at any time.

Previous to this, a change having been made in the officers of the company, and one of the sureties on its bond having become bankrupt, the company gave a new bond, which was approved by the Department December 13, 1897.

April 12, 1898, the office made a report on a communication from J. H. Brady, of St. Louis, Mo., dated March 18, 1898, in which he stated that he had entered into a contract with the Idaho Canal Company to complete its canal to Ross Fork Creek, according to the terms of its contract with the Government, and that he expected to do so, but that the financial condition of the company led him to believe that it would be unable to pay him for this construction until such time as it should receive the third and final payment of \$22,500 from the Government. He therefore suggested that if it was the desire of the Department to have the contract completed at once or as soon as practicable he was ready and willing to do the work if the Government would so change the contract with the company as to enable it to be paid the \$22,500 as soon as the work should be completed and approved by the Department, instead of waiting for the expiration of a year from the date of the

second payment, according to the terms of the contract. The office reported that it was decidedly opposed to any further modification in the terms of the contract.

April 15, 1898, Lieutenant Irwin reported that during the two preceding months liens and suits aggregating \$16,887.64 had been filed against the company and that a mortgage for \$50,000 had been given on the portion of the property known as the Government Canal; that it had also a bonded indebtedness of \$300,000, and that on March 29, 1898, the affairs of the company had been placed in the hands of a receiver—A. B. Scott, its former secretary. He reported these facts for such action as might be thought necessary to insure full compliance by the company with the terms of its contract, fearing that such complications might injuriously affect the interests and rights of the Government by interfering with the continuous delivery of water upon the reservation. This information was submitted to the Department April 22, 1898.

In accordance with Department instructions Agent Irwin was directed, May 13, 1898, to make an investigation and ascertain the status of the several liens and whether any of them had been satisfied. He was also directed to have the two contracts of the company recorded in the proper county records, which has been done.

July 7, 1898, C. A. Warner, who had succeeded Lieutenant Irwin as agent, reported that the Idaho Canal Company was not doing any work on the reservation toward the fulfillment of its contract and did not seem to be making any preparation to begin the same in the near future. July 26, 1898, the office reported the above information to the Department with the recommendation that Inspector W. H. Graves be sent to the Fort Hall Reservation to investigate the condition of the company and make recommendation as to the best course to be pursued. It seems probable that legal steps will have to be taken to protect the interests of the Government and the Indians.

**Crow Reservation, Mont.**—March 10, 1898, W. H. Graves, superintendent in charge of the construction of irrigation works on this reservation, reported that the ditch on the east side of the Big Horn River was not only a large and expensive undertaking, but would easily take rank with the most extensive and best constructed irrigation works in the country and would supply an unusually fine body of valley land, about 45,000 acres of the best portion of the Crow Reservation; that about 12 miles of the upper portion of the canal was finished, or very nearly so, with a head gate well under way; that the expenditures up to that time had been \$175,156.35, and that to complete it would require the sum of \$138,500. Speaking of the good effect upon the Indians resulting from their employment on the ditches, he said:

In payment for lands ceded to the Government they receive semiannually in cash about \$6 each. To receive this they are required to go from the respective districts throughout the reservation in which they live to the agency and there remain until the payments are made. To do this many of them travel long distances, and the

expense is often greater than the amount they receive. Most of them spend the money they receive immediately at the trader's store for useless and unserviceable trifles. The money they receive from this source is of little, if any, value whatever to them. They realize this and many of them working on the irrigation ditches will not take the time nor trouble to go for their money, preferring to leave it or give it to others. On the other hand, the money they receive as wages for their labor on the ditches, the money they earn, they regard much more highly and expend with much more care and discretion. They receive it in sums sufficiently large to enable them to accomplish some desired end. Scores of them have by this means supplied themselves with good horses, wagons, and harness. Some have bought their own farm machinery and a few have built their own houses.

April 16, 1898, Capt. G. W. H. Stouch, acting agent in charge of the Crow Agency, forwarded to this office a petition signed by some 113 adult males, representatives of the Crow tribe, addressed to the Department as follows:

The undersigned, adult males and representatives of the Crow tribe of Indians, of Montana, assembled in council at St. Xavier Mission, on the Crow Indian Reservation, Mont., for the purpose of discussing the welfare of the Crow tribe, respectfully represent:

That the irrigating ditches now under construction under the direction of the superintendent of the Crow Indian Survey, lying east of the Big Horn River, on the Crow Reservation, are now nearly completed. The work has been conducted in the most thorough and substantial manner under a competent superintendent, and a very large sum of money has been spent thereon. A comparatively small sum will now complete these ditches so that they can be used by us, and that water can be taken out on our land. As the ditches are now they are of no use to us whatever. All work has been stopped for lack of money, and unless you can help us all our work of the last few years will be thrown away. With sufficient water we can raise large crops of hay and grain and support ourselves and our families.

The Government ration issues formerly issued to us by the agent have been stopped. The troops have been taken away from Fort Custer, and we have now no market for the wild hay which can be raised without water, and which we formerly sold to the soldiers. If you can not help us to get money, so that we can water our lands and raise crops, we shall soon be without anything to eat; and it will then cost the Government more money to feed us during this year and next year than it would now take to finish our ditches, so that we can feed ourselves. We ask you to take enough money, out of any moneys of any sort belonging to the Crows, to complete these ditches, or one of them.

We have worked hard and have tried to do like the whites, and to support ourselves and our families. We have sent our children to school, and have tried to do everything that the agent and the superintendent of the ditches have asked. If you can help us a little now that we so much need it, the Crows will always remember you as their best friend.

Some \$20,000 remained available for the work, and Superintendent Graves was instructed, April 19, 1898, to use this fund to place the ditch in the best possible condition to withstand the deterioration that would necessarily follow the suspension of the work for a considerable period.

April 26, 1898, the office recommended legislation authorizing the diversion of \$120,000 from the annuity fund of the Crow Indians, to be expended under the direction of the Secretary of the Interior in the completion of the irrigation system on their reservation, but no action



was taken thereon by Congress. Believing that this is a highly important work and that the expenditure of their funds for its completion will result in much more benefit to the Indians than their use in any other way, I shall, at the beginning of the next session of Congress, renew that recommendation.

When the work is completed the Indians can be allotted their lands in severalty, and they will doubtless be willing to cede a considerable portion of their reservation.

Mr. Graves having been recently appointed an inspector, Mr. W. B. Hill has been placed in charge to continue the work under instructions of April 19 to his predecessor.

**Fort Belknap Reservation, Mont.**—June 7, 1898, the Department granted authority for the Fort Belknap agent to expend not exceeding \$32,210 in the construction of a system of irrigation known as system No. 1 and in repairs to the Peoples Creek system. The Department also stated that it appeared that the extension of the Peoples Creek system, at an estimated cost of \$2,970, was very much needed, and said that if work on the extension could be carried on while that on system No. 1 was in progress it might be included in the expenditure authorized. The Department also suggested the advisability of considering the agent's recommendation that another system (No. 2) be constructed immediately. After correspondence with Agent Hays the office recommended, July 27, 1898, that authority be granted for the construction of system No. 2 at a cost not to exceed \$34,963, which authority was given September 12. These expenditures are all payable from funds belonging to the Indians.

**Fort Peck Reservation, Mont.**—In a report upon the Fort Peck Agency dated August 4, 1897, Inspector McConnell called attention to the absolute necessity for an extensive system of irrigation on this reservation if the Indians were ever to become self-supporting. As the Indians had no funds of their own the office recommended, December 8, 1897, that Congress be asked to appropriate the sum of \$140,000 for the construction of a system of irrigation on the Fort Peck Reservation; but favorable action was not taken by Congress. It is represented that the Indians are desirous of ceding a portion of their reservation so as to obtain funds for irrigation, but it is doubtful if there is any existing authority of law for negotiating with them. The matter will be further considered with a view of obtaining such authority if it be deemed necessary and advisable.

**Miscellaneous.**—The bulk of the appropriation for irrigation for the fiscal year 1898 has been expended as follows:

Southern Ute, in Colorado.....	\$8,500
Uintah, in Utah.....	9,210
Wind River, in Wyoming.....	1,525
Yakima, in Washington.....	1,946
Flathead, in Montana.....	3,598
Pyramid Lake and Walker River, in Nevada.....	900
Navajo, in Arizona.....	500
Western Shoshone, in Nevada.....	500

It is believed that the appointment of an inspector "competent in the location, construction, and maintenance of irrigation works," which is provided for in the last Indian appropriation bill, will result in a much more intelligent and economical disbursement of irrigation funds than has hitherto been possible. I am also of the opinion that the Department is fortunate in securing for this position the services of an engineer so thoroughly competent, reliable, and honest as Mr. W. H. Graves, whose services as superintendent of the irrigation construction on the Crow Reservation for the last seven years have received the highest commendation.

### LOGGING ON RESERVATIONS.

**White Earth Agency, Minn.**—From time to time under the act of February 16, 1889 (25 Stats., 673), authority has been granted by the President for the Indians of the White Earth and Red Lake diminished reservations to cut and sell dead timber standing or fallen on those reserves. In my last annual report a statement was made of the logging operations of the Indians during the season of 1896-97 under the authority granted by the President on September 24, 1896.

A clause in the Indian appropriation act of June 7, 1897 (30 Stats., 90), provides for the granting of authority by the Secretary of the Interior for the Indians in Minnesota to sell dead and down timber as follows, viz:

The Secretary of the Interior may, in his discretion, from year to year, under such regulations as he may prescribe, authorize the Indians residing on any Indian reservation in the State of Minnesota, whether the same has been allotted in severalty or is still unallotted, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation or any part thereof, for the sole benefit of such Indians; and he may also in like manner authorize the Chippewa Indians of Minnesota who have any interest or right in the proceeds derived from the sales of ceded Indian lands or the timber growing thereon, whereof the fee is still in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such ceded land. But whenever there is reason to believe that such dead timber in either case has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act, then in that case such authority shall not be granted.

Under this provision the Commissioner of the General Land Office, who has control of the ceded Chippewa lands in Minnesota, prescribed certain regulations to govern the logging operations of the Indians on the ceded lands during the season of 1897-98, which were approved by the Department September 28, 1897. It is ascertained from communications received from the General Land Office, and the accounts of the United States Indian agent at the White Earth Agency for the fourth quarter, 1898, that timber to the value of \$253,304 was cut and sold during the season. Of this amount 15 per cent was deducted for stumpage and for the purpose of paying certain expenses incident to the logging operations.

October 30, 1897, the Department granted authority under the above-quoted provision of law for the sale of dead timber on the diminished White Earth and Red Lake reservations, under regulations previously in force to govern the logging operations of those Indians. Under this authority the office approved twelve contracts for the sale of dead timber on the diminished White Earth Reservation aggregating 15,500,000 feet for \$17,500, and three contracts for timber on the diminished Red Lake Reservation aggregating 4,500,000 feet for \$22,500, aggregating \$100,000 for the total amount of timber contracted for. It appears, however, from Agent Sutherland's accounts for the fourth quarter, 1898, that some of the Indians operating on the diminished reservations cut timber in excess of the amount called for by their contracts, so that the total value of all the timber cut on the two reservations was \$110,596.32. Of this amount 10 per cent was deducted for stumpage charges and has been deposited in the Treasury as miscellaneous receipts, class three, for the benefit of the Chippewa Indians of Minnesota.

The whole amount thus deposited by the agent on account of timber operations on both ceded lands and diminished reservations was \$46,246.38, and the total value of timber sold by the Chippewa Indians of Minnesota was \$363,900.31.

**La Pointe Agency, Wis.**—The logging on the Lac du Flambeau Reservation by J. H. Cushway & Co., under the various authorities heretofore granted, has proceeded without incident of note.

Very little logging has been done on the Lac Courte d'Oreilles Reservation, nearly all the timber having been cut during the previous season. Such contracts as have been made between Mr. Turrish, the authorized purchaser on that reservation, and some of the allottees were for the purpose of gathering up the scattered timber remaining on only a very few allotments.

No change has occurred in logging matters on the Bad River Reservation, except so far as they have been affected by the relinquishment, by 24 allottees, of old allotments from which the timber had been burned and the making of new allotments to them, as authorized by Department letter of September 14, 1897. The list of new allotments was reported by Captain Scott, the acting agent, on December 31, 1897; was forwarded to the Department with the recommendation of this office on February 11, 1898, and was approved by the President February 23, 1898. The patents therefor were issued on June 13, 1898, and were transmitted to S. W. Campbell, the new agent at La Pointe Agency, for delivery to the allottees, with letter from this office dated August 5, 1898. Contracts were made by the allottees with Mr. Justus S. Stearns, the authorized purchaser of timber on the Bad River Reservation, for the sale of timber on these new allotments, and the President having, under date of April 29, 1898, authorized it, these contracts were approved by this office.

In my last annual report I made a statement of the steps taken looking to the sale by the Indian allottees of the Red Cliff Reservation of

the timber on their allotments, and quoted the regulations prescribed by the Secretary of the Interior to govern the sale under an authority granted by the President on July 28, 1897. Under those regulations Captain Scott advertised for bids for the purchase of the timber. In answer to this advertisement (which was inserted in several newspapers) four bids were received as follows, viz:

Frederick L. Gilbert (estimated on the quantity of timber of different kinds supposed to be on the allotments), \$416,662; D. J. Arpin and William Scott, \$266,447.50; Charles Crogster & Co., \$262,300.37; O. A. Ritan, \$224,300.

The prescribed regulations required that all timber cut upon the reservation should be sawed in a mill to be erected upon the reservation. In his bid Mr. Gilbert proposed a modification of those regulations to the extent of permitting the immediate removal from the reservation, for manufacture outside, of a considerable quantity of burnt timber which had been cut by the Indians during the logging season of 1896-97 and which was at the time in the lake at the mouth of the Red Cliff River. On his part he agreed to saw at the mill, before the expiration of three years, a like quantity of timber cut from lands outside the reserve. September 23, 1897, the Department accepted Mr. Gilbert's bid, and on the same date this office advised Captain Scott of its acceptance. Mr. Gilbert having filed a bond in the penal sum of \$50,000, with the American Surety Company of New York as surety, which was approved by the Department October 21, 1897, he was permitted to proceed with the making of his contracts and the erection of his mill. It is understood that the mill has been erected and is now in working order. Seventy contracts for the sale of timber have been approved.

I should add that the regulations of July 29, 1897, overlooked the fact that a number of the allottees were minors, and consequently no provision was made for the sale of the timber on their allotments. In order to meet the situation the Department, June 13, 1898, modified these regulations by adding to paragraph 3 the following:

*And provided*, That where an allotment belongs to a minor the timber thereon may be sold as provided in these regulations under contract executed by the father of such minor, if he be alive, and in case he be dead then by his mother, and if both the father and mother of such minor be dead his timber may be sold under a contract executed by his legal guardian, if one has been appointed by the courts, and if no guardian has been appointed the Indian agent shall be authorized to make such contract: *And provided further*, That the proceeds of the sale of timber on allotments of minors shall be held by the agent, as other moneys received by him on account of the sale of timber on the Red Cliff allotments, to the credit of such minors, respectively, and shall not be subject to draft until said minors shall have reached the age of 21 years, respectively, except that the Commissioner of Indian Affairs shall have the power to authorize the use of such proceeds of the sale of the timber in special cases if, in his judgment, the facts and circumstances in such special cases warrant the same.

The agent shall keep, in a well-bound book to be provided for the purpose, separate accounts with each Indian minor for whom he may so receive funds, in which accounts he shall charge himself with all sums received, giving dates, from whom

received, amount received, and quantity of timber, and take credit upon proper vouchers for all authorized disbursements. And at the end of each quarter, with his regular quarterly cash accounts, but separately and disconnected therefrom, he shall render an account showing correctly and in detail these receipts and disbursements. And upon each transfer of the agency the outgoing agent shall pay over to his successor all such funds for which he may then be responsible, taking proper receipts therefor to be filed with his accounts. And his successor shall charge himself with the funds so received and account for the same as herein provided.

June 17, 1898, Captain Scott was informed of this amendment of the regulations and instructed to permit the making of contracts for the sale of the timber on the allotments of minors in accordance therewith.

**Menomonee Reservation, Wis.**—August 11, 1897, the Department, on recommendation of this office, granted authority for the agent of the Green Bay Agency, Wis., to employ Menomonee Indians to carry on logging operations on their reservation for the season of 1897-98, under the provisions of the act of June 12, 1890 (26 Stat. L., 146). They were to cut and bank on the rivers and tributaries of the reservation 16,000,000 feet of pine timber, or so much thereof as might be practicable, under the rules and regulations that governed similar operations the previous year.

Acting under this authority, the Menomonee Indians, under the direction of Agent George, cut and banked 10,135,000 feet of logs on the Wolf River and tributaries and 5,865,000 feet of logs on the Oconto River, and on February 12, 1898, the agent was authorized to advertise the logs for sale. March 15, Agent George submitted an abstract of bids received, and March 21 they were submitted to the Department with the recommendation that the following be accepted: Bid of Stephen Radford, of Oshkosh, Wis., for 10,135,000 feet of logs on Wolf River and tributaries, at \$12.03 per 1,000 feet, and bid of Perley, Lowe & Co., of Chicago, Ill., for 5,865,000 feet of logs on south branch of Oconto River, at \$13.60 per 1,000 feet. The Department, March 23, 1898, accepted the above bids, and the sale of logs to them was confirmed. This average of \$12.81½ per 1,000 feet is an increase of \$2.61½ per 1,000 feet over that for the season of 1896-97.

The State of Wisconsin, April 13, 1898, attached all the logs cut and banked on the south branch of the Oconto River, claiming that of the 16,000,000 feet of logs cut on the reservation during the year a large amount had been cut from lands belonging to the State. Messrs. Perley, Lowe & Co. immediately furnished a bond of indemnity in the sum of \$25,000, in order that they might not be embarrassed in disposing of the logs which they had bought. June 15, 1898, Mr. E. G. Mullen, chief inspector of State lands for Wisconsin, presented the claim of the State of Wisconsin for damages by reason of the cutting and removal of certain pine timber from the swamp lands within the limits of the Menomonee Indian Reservation, which were ceded to that State on November 13, 1865, Patent No. 8. This statement was transmitted to the Department June 16, 1898, and next day the Department directed

that a commission, to be composed of the United States Indian agent at Green Bay Agency, the superintendent of logging, a scaler, an agent of the Department, and agents of the State of Wisconsin, of Perley, Lowe & Co., and of Seymour W. Hollister of Oshkosh, Wis. (purchasers of the logs from Perley, Lowe & Co.), go upon the lands described, for the purpose of ascertaining the exact quantity of timber cut and removed which was involved in this claim. July 13, 1898, the report of that commission was transmitted to the Department, the commission certifying: "A careful examination has been made with respect to the illegal cutting of timber, and it is found that there has been cut and removed from lands belonging to the State of Wisconsin 1,044,500 feet, board measure, of pine timber and logs."

It has been the custom in the vicinity of the agency, where a trespass of cutting timber has been committed that was not malicious or willful, to settle with the owner of the timber for what the standing trees or stumpage were worth. In view of this fact, it was recommended as the most equitable procedure that, as the standing trees or stumpage on the lands claimed by the State were worth about \$8 per 1,000 feet, the State of Wisconsin should settle on that basis, if it had a just claim. The Department, July 25, 1898, approved the report of the commission as to the amount of pine timber and logs cut and removed from the lands belonging to the State of Wisconsin within the Menomonee Indian Reservation, and also approved the recommendation that the trespass should be settled upon the basis of \$8 per 1,000 feet, the net value of the timber. July 27, 1898, the Indian agent at Green Bay Agency was directed to require Perley, Lowe & Co. to deposit the sum of \$25,000, being the balance of the amount due on their contract for the purchase of logs on the Menomonee Indian Reservation, their bond of indemnity to be returned to them after making such deposit. On the same date the chief inspector of lands of the State of Wisconsin was informed of the approval of the report of the commission as to the amount of the timber cut and removed, and also of the authorization by the Department of the settlement of the trespass upon the basis of \$8 per 1,000 feet, and the chief inspector was requested to take the necessary steps to have the State of Wisconsin present a claim, through its proper officers, for the payment for 1,044,500 feet of pine timber and logs improperly cut and removed from lands belonging to the State.

### LEASING OF INDIAN LANDS.

For the terms on which Indian lands can be leased, see the annual report for 1897 (p. 40).

### UNALLOTTED OR TRIBAL LANDS.

Since the date of the last annual report the following leases of tribal lands have been approved:

**Crow Reservation, Mont.**—In the annual reports for 1895-96 will be found a list of six grazing leases on this reservation, five of them for the

period of five years from June 30, 1895, and one for the period of four years from June 30, 1896. Since that date one additional lease has been executed in favor of Paul McCormick for range No. 3 for the period of five years from January 1, 1898. Estimated area, 199,000 acres; annual rental \$6,984.90. The lease was approved July 20, 1898. It was executed in lieu of a lease in favor of Portus B. Weare covering the same land.

**Kiowa and Comanche Reservation, Okla.**—Twenty-three grazing leases and one grazing permit have been executed, as follows:

Lessee.	Acres.	Term.	Annual rent.
<b>Grazing leases:</b>		<b>Years.</b>	
Samuel B. Burnett .....	306,789	1	\$30,678.90
William F. Waggoner .....	592,610	1	59,261.00
Jay H. Stine .....	25,432	3	2,543.20
James H. Nail .....	90,658	3	9,065.80
Hezekiah G. Williams .....	24,078	3	2,407.80
Thomas F. Woodward .....	5,000	3	500.00
William A. Wade .....	105,892	1	10,589.20
Asher Silberstein .....	30,883	3	3,088.30
Eli C. and Joseph D. Sugg .....	333,431	3	33,343.10
John W. Light .....	70,000	1	7,000.00
Frank B. Farwell .....	100	3	10.00
Peo Medrano .....	200	3	20.00
Hezekiah G. Williams .....	10,000	1	1,000.00
Emmet Cox .....	3,640	3	364.00
Ridgely & Brown .....	8,500	3	850.00
George W. Conover .....	0,000	3	600.00
John W. Light .....	77,000	1	7,759.20
Thomas B. Biggers .....	12,000	3	1,200.00
James Myers .....	15,000	3	1,500.00
William F. Deitrich .....	2,000	3	200.00
Roswell F. Halsell .....	59,581	1	5,958.10
Giles H. Connell .....	97,696	3	9,769.60
Thomas S. Moffett .....	9,168	3	939.72
<b>Grazing permit:</b>			
Asher Silberstein .....	2,000	a 9	200.00

a Months.

The last two leases, to Connell and Moffett, have not been acted upon by this office.

**Wichita Reservation, Okla.**—Twelve grazing leases have been executed and approved, each for the term of one year from April 1, 1898, as follows:

Lessee.	Acres.	Annual rent.
Walter G. Williams .....	11,000	\$900.00
Robert Curtis .....	1,500	1,200.00
Thad Smith .....	4,000	320.00
Charles B. Campbell .....	8,258	660.48
Lyon F. Bingham .....	32,000	2,140.00
Willis A. Halloway .....	57,400	3,444.00
Edward F. Mitchell .....	6,000	380.00
Reuben M. Boreland .....	22,500	900.00
Walter D. Oliver .....	50,000	2,000.00
John B. Kelsey .....	15,000	600.00
Lyon F. Bingham .....	6,500	290.00
Charles S. Williams .....	5,000	250.00

As certain portions of the Wichita Reservation could not be leased under regular leases, so far as practicable informal permits were issued for these lands, as follows:

Permittee.	Number of stock.	Time.	Total payment.
W. J. Wilson.....	300	Apr. 20 to June 1.....	\$20.00
J. W. Price.....	200	May 1 to June 1.....	10.00
R. L. Jennings.....	40	Apr. 15 to July 15.....	20.00
A. F. Robertson.....	145	May 15 to Nov. 15.....	43.50
J. H. Sands.....	5,000	1 year.....	200.00
E. D. Henderson.....	2,500	do.....	125.00
C. A. Aldridge.....	640	do.....	38.40
Smith Bros.....	1,000	do.....	50.00

**Omaha and Winnebago Reservations, Nebr.—**Thirty-one farming and grazing leases on the Omaha Reservation and 36 on the Winnebago Reservation, each for the period of one year from March or May, 1898, are described as follows:

Lessee.	Acres.	Annual rent.	Lessee.	Acres.	Annual rent.
OMAHA RESERVATION.			WINNEBAGO RESERVATION— continued.		
James E. L. Carey.....	9,316.56	\$2,794.97	Alfred J. Anderson.....	40	\$12.50
Swan Olson.....	3,631.22	1,325.39	Joseph Farrans.....	77.63	36.90
John R. Latta.....	880	334.40	Oscar Bring.....	320	180.00
Jesse W. Tipton.....	145	145.00	John Ahlers.....	36.55	27.41
Thomas M. Senter.....	255.53	110.00	George Harris.....	80	80.00
Celestine B. Kuhn.....	400	100.00	Frank B. Hutchens.....	119.88	92.66
Abbie F. Nichols.....	80	60.00	John Baptist.....	120	30.00
Artemesia Frost.....	80	20.00	Alexander Nixon.....	200.25	50.06
Guy T. Graves.....	293.35	73.30	John Jay Kellogg.....	269.02	72.50
James Grant.....	80	20.00	James McHenry.....	120	42.00
Jay F. Dodd.....	185	86.75	Anna Mix Payer.....	40	10.00
Dwight Sherman.....	39.55	9.89	Frank Rejman.....	40	40.00
Henry C. Dunagan.....	240	72.00	Swan E. Renando.....	40	30.00
Amos Walker.....	160	56.00	Michael Regan.....	40	40.00
Fayland H. Park.....	240	60.00	Michael J. Rea.....	158.62	118.95
Frank B. Hutchins.....	135.53	1,015.90	Charles Raymond.....	40	10.00
Frank Grant.....	40	10.00	Fred Riedler.....	199	157.00
William Hamilton.....	40	10.00	Ernest J. Smith.....	160	40.00
Phillis A. Hull.....	160	120.00	William Stanage.....	40	20.00
Benj. Merrick.....	80	20.00	John T. Wheeler.....	80	30.00
Josiah Fields.....	40	20.00	Oscar F. Waggoner.....	80	20.00
Walter Edwards.....	34.53	8.63	Cornelius J. O'Conner.....	661.20	208.25
Jay F. Dodd.....	130	97.50	Irving J. Brown.....	797.48	239.24
Fred Cayou.....	40	10.00	James Momer.....	520	156.00
James Black.....	80	20.00	Winfield S. Flanders.....	996.80	348.88
Harmon Barber.....	40	20.00	Henry T. Twyford.....	102.75	51.36
James E. Blenkiron.....	120	120.00	Ernest J. Smith.....	440	178.00
George Chauncey.....	280	70.00	Emil Magnuson.....	160	100.00
George Midkiff.....	240	60.00	Chas. M. McKnight.....	240	90.00
Willie A. Dodd.....	320	80.00	Gottfried Fuchser.....	80	65.00
Christopher Tyndall.....	80	20.00	Robert Dingwall.....	40	14.00
WINNEBAGO RESERVATION.			Joseph Corey.....	80	20.00
John Allbaugh.....	40	20.00	Adolphe Boesen.....	29.80	8.94
John W. Holmquist.....	200	100.00	Harmon Barber.....	36.58	14.63

The annual report for 1896 mentioned one five-year lease for farming purposes on the Omaha Reservation and one five-year lease for farming purposes on the Winnebago Reservation, from March 1, 1896. The first is in favor of Mrs. Rosalie Farley, a member of the Omaha tribe, for 12,002 acres, at an annual rental of \$6,001.09 for the first three years and \$9,001.03 for the remaining two years. The other is in favor



of Nick Fritz, for 2,240 acres, at an annual rental of \$1,120 for the first three years and \$1,680 per year for the remaining two years.

**Osage and Kaw Reservations, Okla.**—Twenty-three grazing leases on the Osage Reservation and three on the Kaw Reservation are executed for the period of three years from April 1, 1898. They are described as follows:

Lessee.	District number.	Acres.	Annual rent.
<b>OSAGE RESERVATION.</b>			
Thomas J. Moore.....	7	46,000	\$4,600.00
George M. Carpenter.....	3	28,000	2,800.00
Virgile Herard.....	10	25,280	2,528.00
William R. Whitesides.....	16	28,400	2,840.00
Thomas Leahy.....	15	15,000	1,500.00
Adolph C. Stich.....	20	20,000	2,000.00
Albert J. Adam.....	11	30,720	3,070.00
John Lee.....	8	9,000	900.00
Joseph R. Pearson.....	12	10,000	1,000.00
Edward T. Comer.....	13	16,320	1,632.00
Lorin B. Moreledge.....	18	9,600	960.00
Edgar A. Allen.....	2	25,120	2,512.00
Adolph C. Stich.....	15	2,000	200.00
Green J. Yeagain.....	9	14,360	1,436.00
Thomas Leahy.....	5	12,000	1,200.00
Maggie Lawrence.....	4	60,000	6,000.00
Mortimer L. Mertz.....	6	25,000	2,500.00
George J. Biri.....	14	4,800	480.00
Mortimer L. Mertz.....	9	20,000	2,000.00
James H. Carney.....	7	7,000	700.00
Sylvester J. Soldani.....	4	4,000	400.00
Philip Beard.....	4	4,000	400.00
William J. Leahy.....	4	4,000	400.00
Charles N. Prudom.....	4	4,000	400.00
Thomas B. Jones.....	17	15,040	1,504.00
<b>KAW RESERVATION.</b>			
Isaac D. Harklerood.....	4	8,300	830.00
William F. Smith.....	3	9,000	900.00
George T. Hume.....	1, 2	48,280	4,828.00

**Ponca and Otoe Reservations, Okla.**—Six grazing leases on the Ponca Reservation and four on the Otoe Reservation are each for the period of three years from April 1, 1898. They are described as follows:

Lessee.	Pasture.	Acres.	Annual rent.
<b>PONCA RESERVATION.</b>			
Frank Witherspoon.....	West Ponca.....	31,000	\$2,500.00
William F. Smith.....	East Ponca.....	30,000	1,800.00
Charles Liegerot.....		78.34	19.60
Henry E. Bouton.....		320	48.00
Fred H. Lobdell.....		400	60.00
William H. Vanselouse.....		680	102.00
<b>OTOE RESERVATION.</b>			
Isaac T. Pryor.....	East half of West Otoe.....	20,000	1,300.00
Do.....	East 43,000 acres of East Otoe.....	43,000	2,700.00
Julian Morris.....	West 10,000 acres of East Otoe.....	10,000	600.00
Frank Witherspoon.....	West half of West Otoe.....	20,000	1,300.00

Frank Witherspoon and Isaac T. Pryor are to relinquish to the Otoe Indians all their interest in and to the pasture fence now around the West Otoe pasture; and Julian H. Morris is to relinquish his right,

title, and interest to the fence around the west 10,000 acres on the Otoe Reservation to the Indians, said fence to be valued at \$4,000, approximately; and the said parties are to pay as additional rental for the lands covered by the said leases the sum of \$900 per annum, one-half on April 1 and one-half on October 1 of each year during the life of the leases.

**Eastern Shawnee Reservation, Ind. T.**—Two mining leases and one grazing lease have been made. The two former are for the purpose of mining for lead and zinc, each for the period of five years from May 10, 1897. The consideration is 10 per cent of all products mined. They are executed in favor of Francis C. Lee, John E. Shepherd, and Nathan Nichols, respectively. The grazing lease for 60 acres is in favor of John T. Clay for the period of three years from March 1, 1898. The consideration is \$4.80 per annum.

**Uinta Valley Reservation, Utah.**—There is one grazing lease in favor of the Strawberry Valley Cattle Company. The term is one year and three months from June 1, 1898. The annual consideration is \$7,100.

#### ALLOTTED LANDS.

Since the date of the last annual report the following leases of allotted lands have been approved:

**Cheyenne and Arapaho Agency, Okla.**—Ninety-eight farming and grazing leases. The length of term is generally three years. The cash consideration paid the allottees at this agency ranges low—from 15 cents to \$1 per acre per annum—the principal part of the consideration consisting in improvements to be placed upon the land by the lessees.

**Green Bay Agency, Wis.**—One farming lease on the Oneida Reservation, which has been extended for one year from May 1, 1898. The lease is executed in favor of Charles F. Peirce, Superintendent of the Oneida Indian Industrial School, the land being leased for the use of that school. The consideration is \$2.50 per acre for 40 acres.

**La Pointe Agency, Minn.**—Two leases on the Fond du Lac reservation in favor of the Eastern Railway of Minnesota, for gravel pits. They cover 3 and 6 acres, respectively, for the term of three years. The consideration is \$75 and \$85, respectively, for the full term.

**Nez Percés Agency, Idaho.**—Seventy-four farming and grazing leases and three business leases. The terms are from one to three years for farming and grazing leases and three years for business leases. The consideration ranges from \$1 to \$2.50 per acre per annum for farming and grazing lands. The prices paid for business leases are \$60 per annum for 45 by 150 square feet, \$240 for 300 feet square, and \$120 for 50 by 200 square feet. Seventeen farming and grazing leases have been executed upon which no action has been taken.

**Omaha and Winnebago Agency, Nebr.**—Two hundred and six farming and grazing leases on the Omaha Reservation and 137 on the Winnebago Reservation. The prevailing period is three years, though some

have been executed for one and two year periods, respectively. The prices are about the same as last year, ranging from 25 cents per acre for grazing lands to \$2.50 per acre for the best farming lands. For raw, unbroken lands the average price is 75 cents per acre per annum. For average farming lands where small improvements have been made the prevailing price is \$1.25 per acre.

**Ponca, Pawnee, etc., Agency, Okla.**—No leases have as yet been approved for this agency, though 111 farming and grazing leases were submitted to the Department for approval by Agent Sharp with letter of February 12.\* They were sent to a special agent of this office for investigation as to the adequacy of the consideration. They have been returned by the special agent with the statement that 36 are "fair value," and those 36 leases are now pending before the Department for approval. The remaining 75 leases have been returned to the agency for the purpose of having new leases executed in their stead at increased rates, as recommended. During the month of June Agent Sharp submitted 112 more farming and grazing leases for approval. They have been returned to John Jensen, the present agent, for investigation as to the adequacy of the consideration.\* The leases are for Ponca, Pawnee, and Tonkawa lands, and are for three years. The consideration averages 50 cents per acre per annum, though for lands already under cultivation it ranges from 75 cents to \$1.25 per acre.

**Puyallup Reservation, Wash.**—Seven farming and grazing leases. The term is generally two years. The consideration ranges from \$1.97 to \$10 per acre per annum.

**Quapaw Agency, Ind. T.**—Two farming and grazing leases by the Eastern Shawnee allottees, 4 by the Senecas, and 1 by the Wyandottes. The length of term is from one to three years. The cash consideration ranges from \$1.50 to \$2 per acre per annum. In some cases certain improvements are to be placed on the lands by the lessees. One mining lease has been executed by the Modoc Indians. The term is five years. The consideration is 10 per cent of all tripoli and other minerals mined.

**Sac and Fox Agency, Okla.**—Sixty-three farming and grazing leases by the Absentee Shawnee allottees, 49 by the Pottawatomies, 55 by the Sac and Foxes, 16 by the Iowas, and 33 by the Kickapoos; also 3 business leases by the Sac and Fox Indians. The length of term is from one to three years. The cash consideration ranges from 15 cents per acre per annum for the poorest grazing lands to \$3 per acre for the best farming lands. In some instances certain improvements are to be made by the lessees in addition to the cash consideration. The price paid for business leases is \$5 per annum for 25 by 150 square feet, \$12.50 for three-eighths of an acre, and \$20 for 1 acre.

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\* Since the above was written 40 of the 111 leases have been approved by the Department; also 84 out of the 112 sent to the agent have been returned and approved. Seventeen others have been returned by the agent for approval.

**Santee Agency, Nebr.**—One farming and grazing lease for the term of three years. The annual rental is 31½ cents per acre.

**Sisseton Agency, S. Dak.**—One farming and grazing lease. The term is three years. The annual consideration is 31½ cents per acre.

**Umatilla Agency, Oreg.**—Twenty farming leases—4 by the Umatilla, 9 by the Walla Walla, and 7 by the Cayuse allottees—one of which is for 300 acres off the school farm. The consideration in the school farm lease is one-third of the crop raised. The annual rental for the remaining 19 leases ranges from \$1.25 to \$2 per acre. The terms are two and three years, respectively.

Sixty-three farming leases, the consideration in which ranged from 70 cents to \$2.68½ per acre per annum, were returned to the agent—22 on January 24, and 61 on April 6—for a personal investigation as to the adequacy of the consideration, because it was thought that the lands should command a higher rental. No report has as yet been received as to the result of his investigation.

**Yakima Agency, Wash.**—Ten farming and grazing leases. The term is three years. The cash consideration ranges from 25 cents to \$1.35 per acre per annum. In some instances the lessees are to place certain improvements on the land in addition to the cash consideration.

**Yankton Agency, S. Dak.**—Nine grazing leases. The term is generally three years. The cash consideration is 10 cents per acre per annum.

Tabulated, the above information as to leases of allotted lands may be given as follows:

Reservation.	Kind of lease.	No. of leases.	No. of years.	Rate.
Cheyennes and Arapahoos, Okla.	Grazing and farming ..	98	3	15 cents to \$1 per acre per annum.
Oneidas, Wis.	Farming .....	1	1	\$2.50 per acre for 40 acres.
Fond du Lac Chippewas, Wis.	Gravel pits .....	2	3	\$75 and \$85.
Nex Perces, Idaho .....	Farming and grazing ..	74	1 to 3	\$1 to \$2.50 per acre per annum.
Do .....	Business .....	3	3	\$60, \$240, and \$120 per annum.
Omahas, Nebr .....	Farming and grazing ..	206	1 to 3	25 cents to \$2.50 per acre per annum.
Winnebagoes, Nebr .....	do .....	137	1 to 3	Do.
Puyallups, Wash .....	do .....	7	2	\$1.97 to \$10 per acre per annum.
Poncas, Pawnees, Otoes, and Tonkawas, Okla.	do .....	152	3	50 cents to \$1.25 per acre per annum.
Eastern Shawnees, Ind. T. ....	do .....	2	1 to 3	\$1.50 to \$2 per acre per annum.
Senecas, Ind. T. ....	do .....	4	1 to 3	Do.
Wyandottes, Ind. T. ....	do .....	1	1 to 3	Do.
Modocs, Ind. T. ....	Mining .....	1	5	10 per cent of minerals mined.
Absentee Shawnees, Ind. T. ....	Farming and grazing ..	63	1 to 3	15 cents to \$3 per acre per annum.
Pottawatomies, Ind. T. ....	do .....	49	1 to 3	Do.
Sac and Fox, Ind. T. ....	do .....	55	1 to 3	Do.
Do .....	Business .....	3	1 to 3	\$5, \$12.50, and \$20 per annum.
Iowas, Ind. T. ....	Farming and grazing ..	16	1 to 3	15 cents to \$3 per acre per annum.
Kickapoos, Ind. T. ....	do .....	33	1 to 3	Do.
Santee Sioux, Nebr .....	do .....	1	3	31½ cents per acre per annum.
Sisseton Sioux, S. Dak. ....	do .....	1	3	31½ cents per acre per annum.
Umatillas, Oreg. ....	do .....	4	2 and 3	\$1.25 to \$2 per acre per annum.
Walla Wallas, Oreg. ....	do .....	9	2 and 3	Do.
Cayuses, Oreg. ....	do .....	7	2 and 3	Do.
Yakimas, Wash .....	do .....	10	3	25 cents to \$1.35 per acre per annum.
Yankton Sioux, S. Dak. ....	Grazing .....	9	3	10 cents per acre per annum.

## INDIAN LANDS SET APART TO MISSIONARY SOCIETIES.

Tracts of reservation lands set apart during the year for the use of societies carrying on educational and missionary work among Indians are as follows:

*Lands set apart on Indian reservations for the use of religious societies from August 20, 1897, to August 31, 1898.*

Church or society.	Acres.	Reservation.
Methodist Episcopal.....	(a)	Klamath, Oreg.
Roman Catholic.....	160	Gila Bend, Ariz.
Do.....	1	Gila River, Ariz.
Do.....	1	Salt River, Ariz.
Do.....	40	Rosebud, S. Dak.
Do.....	40	Do.
First Presbyterian of Lapwai, Idaho.....	b ½	Lapwai, Idaho.
Methodist Episcopal South.....	10	Kiowa and Comanche, Okla.
Associated Executive Committee of Friends on Indian Affairs.....	c 40	Otoe, Okla.
Domestic and Foreign Missionary Society of the Protestant Episcopal Church.....	80	Rosebud, S. Dak.

a Lot on tract reserved for agency purposes.

b On tract reserved for agency purposes.

c Set aside in 1887 to Woman's Home Missionary Society of Methodist Episcopal Church, and surrendered in 1898 in favor of Committee of Friends on Indian Affairs.

A table giving all lands on Indian reservations set apart for missionary purposes will be found on page 00.

## RAILROADS ACROSS RESERVATIONS.

## GRANTS SINCE LAST ANNUAL REPORT.

Since the date of the last annual report Congress has granted railroad companies rights of way across Indian reservations as follows:

**Indian and Oklahoma Territories.**—*Nebraska, Kansas and Gulf Railway Company.*—By act of Congress of March 30, 1898 (30 Stats., 347, and p. 00 of this report), the above-named company was granted right of way through Oklahoma and the Indian Territory, beginning at a point to be selected by said railway company along the south line of the county of Harper, State of Kansas, and running thence in a south and southeasterly direction by way of Kingfisher, over the most practicable route through the Indian Territory and the Territory of Oklahoma, to a point at or near Denison, State of Texas, thence to the city of Galveston, said State, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

*Denison, Bonham and New Orleans Railway Company.*—By act of Congress of March 23, 1898 (30 Stats., 341, and p. 00 of this report), the above-named company was granted right of way through the Indian and Oklahoma Territories, beginning at a point to be selected by said railway company on Red River, near Denison, in Grayson County, in the State of Texas, and running thence by the most practicable route

through the Indian Territory in a northerly direction to the southern boundary of the State of Kansas, at some point in the south line of Chautauqua County, in said State, with the right to construct, own, and maintain and operate a branch line of railway, beginning at a point not exceeding 35 miles north of Red River, on the main line, thence in a northwesterly direction to Fort Sill, in Oklahoma Territory, with the right to construct, use, and maintain such tracks, turn-outs, branches, sidings, and extensions as said company may deem it to their interest to construct.

*Missouri, Kansas and Texas Railway Company.*—By act of Congress of June 27, 1898 (30 Stats., 493, and p. 00 of this report), the above-named company was authorized, at its sole expense, to restore the South Canadian River to its original channel under the already constructed bridge of said company, and to that end to straighten and shorten the river above said bridge by excavating and constructing a channel for the river through and across sections 28 and 29 of township 9 north, range 15 east, subject to the conditions mentioned in said act.

*Kansas, Oklahoma and Gulf Railway Company.*—By act of Congress of June 27, 1898 (30 Stats., 492, and p. 00 of this report), the above-named company was granted right of way through the Chilocco Indian School Reservation in Oklahoma.

By act of Congress of June 4, 1898 (30 Stats., 431, and p. 00 of this report), all railway companies operating lines of railroad through the Indian Territory were authorized to enter into contracts for the use or lease of the railroad and other property of any railroad company whose line may now or hereafter connect with its line, upon such terms as may be agreed upon by the respective companies, and to use and operate such road or roads in accordance with the terms of such contract or lease, but subject to the obligations imposed upon the respective companies by their charters or by the laws of the United States or of the State or Territory in which such leased road may be situate: *Provided*, That the terms of this act shall not apply to parallel or competing lines.

*Omaha and Winnebago Reservations, Nebr.*—*Omaha Northern Railway Company.*—By act of Congress of March 26, 1898 (30 Stats., 344, and p. 00 of this report), the above-named company was granted right of way through the Omaha and Winnebago reservations, subject to the usual conditions and restrictions.

*Colville Reservation, Wash.*—*Kettle River Valley Railway Company.*—By act of Congress of June 18, 1898 (30 Stats., 475, and p. 00 of this report), the above-named company was granted right of way through the north half of the Colville Reservation, subject to the provisions of the act of Congress of March 3, 1875 (18 Stats., 482).

*Washington Improvement and Development Company.*—By act of Congress of June 4, 1898 (30 Stats., 430, and p. 00 of this report), the above-named company was granted right of way through the Colville Reservation, subject to the usual conditions and restrictions.

## GRANTS REFERRED TO IN PREVIOUS ANNUAL REPORTS.

**Indian and Oklahoma Territories.**—*Chicago, Rock Island and Pacific Railway Company.*—By act of Congress of March 17, 1898 (30 Stats., 327, and p. 00 of this report), the above-named company was granted an extension of three years from the 1st day of April, 1898, within which to construct the branch lines of road provided for in the act of Congress of February 27, 1893 (27 Stats., 492), provided that the company shall construct at least 50 miles of said railway within one year after the passage of the act, and subject also to the condition that the station grounds shall be limited to 2,000 feet in length for each station. On June 20, 1898, the company forwarded a draft for \$1,593 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1898.

*Gainesville, McAlester and St. Louis Railway Company.*—By act of Congress of June 7, 1898 (30 Stats., 715, and p. 00 of this report), the above-named company was granted the right to commence the construction of its line of road as soon as a map of definite location of the route from the Red River to near South McAlester shall have been filed with and approved by the Secretary of the Interior, provided that a map of definite location of the road from South McAlester to Fort Smith shall be filed and approved before the construction of that portion of the road shall be commenced.

*Fort Smith and Western Coal Railroad Company.*—By act of Congress of June 7, 1898 (30 Stats., 433, and p. 00 of this report), the above-named company was granted an extension until December 31, 1900, within which to construct its line of road, as provided for by the act of Congress of March 2, 1896 (29 Stats., 40).

*Denison and Northern Railway Company.*—As mentioned in the annual report for 1896, the above-named company was granted right of way through the Indian Territory by act of Congress of July 30, 1892 (27 Stats., 336). By act of Congress of March 29, 1898 (30 Stats., 00, and p. 00 of this report), the company was granted an extension of a further period of one year from the passage of the act within which to comply with the provisions of the original act.

*Choctaw, Oklahoma and Gulf Railway Company (formerly the Choctaw Coal and Railway Company).*—February 24, 1898, the Secretary of the Interior approved a map of definite location of fractional section No. 12, extending eastward from Wister Junction a distance of about 6½ miles to a junction with the Kansas City, Pittsburg and Gulf Railroad; also a plat of station grounds at the latter junction, designated "Choctaw Junction." August 2, 1898, the company tendered a voucher in the nature of a draft for \$328.50 in payment for right of way, at the rate of \$50 per mile, for fractional section No. 12, above referred to. On August 5, 1898, the Secretary of the Interior approved the plat of additional station ground at South McAlester. September 7

the company tendered a voucher in the nature of a draft for \$2,038.50 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1898.

*Gulf, Colorado and Santa Fe Railway Company.*—July 6, 1898, the company tendered a draft for \$1,500 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1898.

*Southern Kansas Railroad (leased to the Atchison, Topeka and Santa Fe Railway Company).*—June 25, 1898, the company filed in the Department a voucher in the nature of a check for \$85.50 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1898.

*Denison and Washita Valley Railroad Company.*—June 30, 1898, the company tendered a draft for \$150 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1898.

*Kansas and Arkansas Valley Railway Company.*—June 30, 1898, the company submitted a draft for \$2,444.55 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1898.

*Kansas City, Pittsburg and Gulf Railroad Company.*—January 14, 1898, the Department approved the map of definite location of the branch line of road of the above-named company from near Oak Lodge Station, on the main line of the road, to the east line of the Indian Territory at a point directly opposite the town of Fort Smith, Ark. On July 16, 1898, the company tendered a draft for \$1,930.68 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1898. September 13 the company tendered a voucher in the nature of a check for \$751.50 in payment for right of way of branch line of road from near Oak Lodge to Fort Smith.

*St. Louis and Oklahoma City Railroad Company.*—March 16, 1898, the Department approved a map showing a change in the location of line of road of the above-named company through the Creek Nation, said change in location lying between survey stations 678 + 70 and 1371 + 69 as shown on the original map of definite location, which was approved October 24, 1896. July 2, 1898, the company tendered a draft for \$12.50 in payment of the annual tax of \$15 per mile for the first 10-mile section of constructed road for the fiscal year ending June 30, 1898. July 14, 1898, the company tendered a draft for \$500 in payment for right of way for the first 10-mile section of the road. July 16, 1898, the Department approved the schedule of damages to land of individual allottees of the Sac and Fox Agency, Okla., for right of way through their allotments. August 24 the company tendered a draft for \$1,362.50 in payment of balance due for right of way through the Creek Nation.



**White Earth and other Chippewa Reservations, Minnesota.**—*Duluth, Superior and Western Railway Company.*—March 25, 1898, the Acting Secretary of the Interior approved two amended maps showing the definite location of the line of road of the above-named company through the Chippewa Reservation; and on the same date he approved an amended map of definite location of the line of road through the White Earth Reservation. On April 23, 1898, Hon. Darwin S. Hall, Chippewa commissioner, and John H. Sutherland, esq., agent of the White Earth Agency, were instructed to determine the tribal damages and to act with and for the allottees in determining the individual damages resulting from the location and construction of the road through the above-named reservations. Their report concerning the matter has not yet been received.

*St. Paul, Minneapolis and Manitoba Railway Company.*—March 10, 1898, the Secretary of the Interior approved the map of definite location of the above-named company through the Chippewa Reservation. On April 23, 1898, Hon. Darwin S. Hall, Chippewa commissioner, and John H. Sutherland, esq., agent of the White Earth Agency, were instructed to determine the tribal damages and to act with and for the allottees in determining the individual damages resulting from the location and construction of the road through the Chippewa Reservation. Their report under said instructions has not yet been received.

*Brainerd and Northern Minnesota Railway Company.*—On February 2, 1898, John H. Sutherland, esq., United States Indian agent of the White Earth Agency, was instructed to assist the individual allottees of the Leech Lake Reservation, Minn., in negotiating with the above-named company for right of way through their allotted tracts. His report has not yet been received.

**San Carlos Reservation, Ariz.**—*Gila Valley, Globe and Northern Railway Company.*—By act of Congress on January 13, 1898 (30 Stats., 227, and p. 00 of this report), the above-named company was granted an extension until February 18, 1900, within which to construct its line of road through the San Carlos Reservation. On March 1, 1898, the council proceedings of the San Carlos Indians, giving their consent to the construction of the road through the reservation, were approved by the Secretary of the Interior, and by the President on March 3. On March 7 the maps of definite location of the line of road through the reservation were approved by the Acting Secretary of the Interior. March 25 Acting Agent Rice, of the San Carlos Agency, by direction of the Secretary of the Interior, was instructed to pay the compensation agreed upon between the company and the Indians to the male adults of the tribe of 14 years old and over, share and share alike.

**Red Cliff Reservation, Wis.**—*Bayfield Harbor and Great Western Railway Company.*—August 13, 1898, the President approved two right-of-way deeds in the nature of an easement in favor of the above-named company covering certain allotted lands on the Red Cliff Reservation.

These additional deeds were made necessary by a slight change in the location of the road. August 16 the Secretary of the Interior approved the amended map of definite location showing the change referred to in the deeds. This change in location affected but two allotments in the northwest quarter of section 25, township 51 north, range 4 west.

**Sioux Reservation, S. Dak.—Chicago, Milwaukee and St. Paul Railway Company.**—By act of Congress of June 25, 1898 (30 Stats., 748, and p. 90 of this report), the Secretary of the Interior is authorized and directed to return and refund to the above-named company the sum of \$15,335.76, deposited by the company with this Department in payment for right of way and depot grounds through certain lands which were afterwards ceded to the United States, and which lands the company claimed that it had never secured or used.

#### CONDITIONS TO BE COMPLIED WITH BY RAILROAD COMPANIES.

In the construction of railways through Indian lands a systematic compliance with the conditions expressed in the right-of-way acts will prevent much unnecessary delay. I therefore quote the requirements, which have been stated in previous reports. Each company should file in this office—

(1) A copy of its articles of incorporation, duly certified to by the proper officers under its corporate seal.

(2) Maps representing the definite location of the line. In the absence of any special provisions with regard to the length of line to be represented upon the maps of definite location, they should be so prepared as to represent sections of 25 miles each. If the line passes through surveyed land, they should show its location accurately according to the sectional subdivisions of the survey; and if through unsurveyed land, it should be carefully indicated with regard to its general direction and the natural objects, farms, etc., along the route. Each of these maps should bear the affidavit of the chief engineer, setting forth that the survey of the route of the company's road from ——— to ———, a distance of — miles (giving termini and distance), was made by him (or under his direction), as chief engineer, under authority of the company, on or between certain dates (giving the same), and that such survey is accurately represented on the map. The affidavit of the chief engineer must be signed by him officially and verified by the certificates of the president of the company, attested by its secretary under its corporate seal, setting forth that the person signing the affidavit was either the chief engineer or was employed for the purpose of making such survey, which was done under the authority of the company. Further, that the line of route so surveyed and represented by the map was adopted by the company by resolution of its board of directors of a certain date (giving the date) as the definite location of the line of road from ——— to ———, a distance of — miles (giving the termini and distance), and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the act of Congress approved — (giving date).

(3) Separate plats of ground for station purposes, in addition to right of way, should be filed, and such grounds should not be represented upon the maps of definite location, but should be marked by station numbers or otherwise, so that their exact location can be determined upon the maps. Plats of station grounds should bear the same affidavits and certificates as maps of definite location.

All maps presented for approval should be drawn on tracing linen, the scale not less than 2,000 feet to the inch, and should be filed in duplicate.

These requirements follow, as far as practicable, the published regulations governing the practice of the General Land Office with regard to railways over the public lands, and they are, of course, subject to modification by any special provisions in a right-of-way act.

### INDIAN DEPREDAATION CLAIMS.

The number of Indian depredation claims of record in this office is 8,007. At the date of the last annual report there were 4,260 claims remaining in the office to be disposed of in accordance with the act of March 3, 1891 (26 Stats., 851). Since then, up to June 30, 1898, the papers on file in 62 claims have been transmitted to the court and 6 claims have been reported as having been previously transmitted to Congress. There remain, therefore, 4,192 claims to be disposed of in accordance with the act aforesaid.

Considerable work devolves upon the office in the care and custody of the papers, making transfers of claims to the court with reports thereon, keeping proper records, and furnishing miscellaneous information to interested parties. During the past year there have been more calls than usual for information by attorneys, claimants, and others interested in the prosecution of Indian depredation claims.

In the last annual report it was stated that \$1,120,680.29 had been appropriated by Congress for the payment of judgments of the Court of Claims rendered in pursuance of the act of March 3, 1891. By act of July 7, 1898, \$331,771.55 was appropriated for the same purpose, making the total amount appropriated for the payment of judgments of the Court of Claims \$1,452,451.84. The records of the office show that up to June 30, 1898, judgments have been paid and charged against those appropriations amounting to \$1,144,863.77.

A few small judgments have been paid and charged against the tribal funds of different tribes in accordance with the sixth section of the act of March 3, 1891.

At the last session of Congress there was introduced House bill No. 6712, "To amend an act entitled 'An act to provide for the adjudication and payment of claims arising from Indian depredations,' approved March 3, 1891." The first paragraph of the act of March 3, 1891, now in force, providing for the adjudication of claims, reads as follows:

All claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation in amity with the United States, without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for.

The proposed amendment substantially provides for adjudicating three classes of claims not provided for in the act of March 3, 1891, viz: (1) All claims for property of any "inhabitant" of the United States; (2) claims for property merely "damaged," and (3) claims against Indians not "in amity" with the United States.

In office report on this bill dated May 6, 1898, after reciting the

laws heretofore passed relating to Indian depredation claims, particularly with reference to the questions involved in the proposed amendment, attention was called to the fact that while possibly it may have been the intention of Congress prior to March 3, 1885, to consider claims of "inhabitants" as well as claims of "citizens" of the United States against tribes in amity with the United States, yet the act of 1885 plainly provided only for the investigation of claims of citizens, excluding claims of "inhabitants;" as did also the act of 1891. (*Johnson v. The United States*, 160 U. S., p. 546.)

Attention was also invited to the fact that while it has been the policy of the Government for the past century to make provision for the satisfaction of just and bona fide claims for property taken or destroyed, yet no provision has ever been made for the adjudication of claims for property merely "damaged."

Senate bill 897, which was introduced in the Fifty-third Congress, first session, contemplated amendments similar in effect to House bill 6712, but it never became a law. It proposed to omit from the first paragraph of the act of March 3, 1891, the words "in amity with the United States." With the same end in view, House bill 6712 proposes to insert "or which had, prior to such taking or destruction, entered into any treaty of amity, peace, or friendship with the United States." In the same report of May 6, reference was made to the case of *Marks et al. v. The United States et al.* (160 U. S., p. 297 et seq.), and it was stated that if the above-quoted clause of House bill 6712 were enacted into law, Indians actually at war with the United States would be compelled to pay, out of their annuities and trust funds, claims for property taken or destroyed by them during the existence of war, a policy contrary to all former policies of this Government.

There are no doubt many claims that have been rejected which would be allowed if the proposed amendments were adopted, and possibly some of them were just and proper at the time the depredations were alleged to have been committed; yet they were not adjudicated under the laws then in force, and the changes in the condition of the affairs of the Indians which have taken place since a large portion of these depredations were committed, and the difficulty the Government would now find in verifying the evidence of the claimants, in view of the great length of time which has elapsed since the commission of the depredations, would render the injustice to the present generation of Indians many-fold greater than any injustice which the claimants would suffer under the law now in force. Not only would it impose an unreasonable hardship upon the present generation of Indians, who are trying amid adversities to advance in civilization, by compelling them to make compensation for depredations committed by their ancestors while in a state of savagery, but it would take millions of dollars from the United States Treasury to pay claims, of which many would at least seem questionable.

## ASSAULT UPON NAVAJOES, ARIZONA.

A detailed statement was given in the last annual report of an assault upon sixteen Navajo families who were tending their flocks in the grazing district bounded on the east and north by the Little Colorado River and on the west by the Colorado River, a portion of the tract being within the boundaries of the Grand Canyon, National Park. From this district they were ejected by the officials of Coconino County, Ariz., with alleged losses to their flocks and herds. Since that time this office has received a report on the subject from the acting agent of the Navajo Agency, and also, by reference from the Department, has received reports from the United States district attorney for Arizona and from the governor of that Territory. The Indian agent contends that the Indians sustained considerable loss in their forcible removal by the county officials, while the district attorney and governor claim that no harm was done to the Indians, either in person or property. On these reports no action has yet been taken and the office is in doubt whether under the circumstances civil action should be instituted to recover damages which it is alleged the Indians sustained to their property.

## MISSION INDIANS, CALIFORNIA.

During the year patents have been issued for the Temecula allotments. No new allotments have been made in the field, nor have the allotments which were made several years ago on the Rincon, Potrero, and Capitan Grande reservations been completed, because the plats of survey have not yet been furnished by the General Land Office. The proposed exchange of lands with the Southern Pacific Railroad Company, affecting four reservations, has not yet been completed, this part of the business being also before the General Land Office.

Additional tracts of land are needed for several of the reservations. It was the duty of the Mission Indians Commission, under the act of January 12, 1891, to select as reservations for the several bands or villages of Indians the lands that were at that time in their possession and occupation. But this the commission failed to do in several cases, and it was found that the failure could be remedied only by a special act of Congress. In compliance with Department instructions, this office prepared and submitted, January 5 last, draft of bill authorizing the Secretary of the Interior to cause to be patented to the Mission Indians such tracts of the public lands in the State of California as he shall find upon examination to have been in the occupation of the Indians, and are now required and needed by them, and were not selected for them by the commission. This draft is contained in Senate Doc. No. 54, Fifty-fifth Congress, second session.

## KILLING OF UTES IN COLORADO.

On the 24th of October, 1897, when a party of Ute Indians from the Uintah and Ouray Reservation in Utah were hunting on the north side of Snake River in Colorado, two of them were killed and two were wounded by a squad of game wardens of Colorado. Immediately, the newspapers contained the usual startling accounts of an Indian outbreak; that the Utes were on the warpath, and settlers in southwestern Colorado were fleeing for their lives, etc.

November 1, Capt. W. H. Beck, U. S. A., the acting agent for the Uintah and Ouray Agency, who was then in this city, received the following telegram from the clerk whom he had left in charge of the agency:

Two White River Utes were killed and squaws wounded in first encounter, as reported; have heard of the second encounter. Dr. Reamer left last evening to attend the wounded squaws. Indians here are much agitated. I respectfully ask that you request troops be stationed at agency at once.

In accordance with Captain Beck's recommendation the War Department was requested to direct such movement of the troops at Fort Duchesne as would assure protection to the agency, and suppress any hostile demonstration which the White River Utes might attempt to make; which request was complied with.

November 3, 1897, this office recommended that an inspector be sent to the Uintah and Ouray Agency to ascertain the facts, and Special Indian Agent E. B. Reynolds was ordered to make such investigation. December 16, 1897, he rendered his report, of which the following is a summary:

On the 23d of November, at the Uintah Agency, he took the statements of the Indians, and, according to the uncontradicted testimony of Ungut sho one Star, four men and three women were in camp 3 miles from what is known as Thompson's ranch, while the rest of their party were out hunting. On the morning of October 26 Star and So on a munche Kent, on their way to Thompson's ranch, met and had a little conversation with two white men, one of whom was armed with a Winchester rifle and pistol. A short distance farther on they saw a squad of men whom they knew to be game wardens, whereupon they turned back to the camp. So on a munche Kent got away, but Star was captured and disarmed by the wardens, who took him with them to the camp. Upon their arrival at the camp, about 10 a. m., they immediately covered Shinaraff and Coo a munche with their rifles, and afterwards told the Indians that they wished them to go to Thompson's, and endeavored to arrest the men, who resisted and got away. In the afternoon, three or four hours after their arrival, the wardens commenced firing on the Indians, and, after killing two men and wounding two of the women, left the camp. The Indians who had escaped or were out hunting returned and buried the dead, and all started that evening for the agency, traveling all night.

Special Agent Reynolds next visited the place where the killing occurred (150 miles from the agency) and took the testimony of all but one of the wardens connected with the affair and also of a few others, examining each one by himself. From their statements it appeared that W. K. Wilcox, game warden of Routt County, had been notified by the chief game warden of Colorado that Indians from Utah were probably killing game in violation of law and should be arrested unless they left the State. Proceeding with a Mr. McCormack toward Bear and Snake River Valley, Mr. Wilcox was informed at Maybell that the Indians numbered probably 100. He therefore sent back for an additional force to assist him. Two days later, October 24, ten wardens, all but Thompson and Armstrong armed, with two others, decided to visit the Indian camp, but before doing so Thompson and a man named Templeton were sent ahead to try if possible to induce the Indian men to come to Thompson's ranch to meet the wardens and talk over matters. On their way thither they met Star and another Indian, had some conversation, and went on. Meantime the wardens had concluded to follow slowly, and soon came in sight of the two Indians which the advance party had met. One of them turned immediately and started in the direction of the camp. The other was overtaken and disarmed and taken to the camp, which the party reached about 10 o'clock in the morning. There they found six Indian men, eight or ten women, and a few children. All the men were armed, and some of the women had arms in their tents. Two deer, still undressed, many deer hides, with some beef hides, and a quantity of deer hair, were found in the camp.

The Indians were notified that they must leave the State or be arrested. After some time, attempt was made to disarm and arrest them, which the Indians resisted. Then, to quote from the report of the special agent:

In the final attempt to arrest the Indians, an Indian, unexpectedly to all, fired his gun at one of the wardens, Al Shaw, and as he was about to fire, a warden, Mr. Kimberly, standing near Shaw, struck the gun to one side, and the shot missed Shaw and hit a woman. At this moment the firing was commenced by the wardens and Indians, which was participated in by about only five or six of the wardens and lasted but a few minutes, and when it had ceased, it was found that some Indians had been killed and some wounded, and Shaw was lying on the ground in a senseless condition, having been stricken down by the Indian who had fired the first shot. The wardens then went away to Thompson's ranch.

The wardens deny that they fired the first shot or that they drew their rifles on the Indians before the firing commenced, and on the whole the special agent is inclined to accept their version of the affair as against that of the Indians, and to acquit the posse of anything deliberate or malicious in the killing. Some of them have homes on the Bear and Snake rivers and have lived there for years.

The affair created great turmoil in that vicinity, and women and children were taken to Lay, 25 miles distant, and remained there until the excitement subsided.

This was the old hunting ground of the Utes before they were removed from Colorado and they have always depended on game for no small part of their food and clothing. They can not understand why they should be shut out from it during certain seasons of the year by State laws, especially when the right to hunt game in this region was guaranteed to them by a treaty with the Government, which provided that such right should be inviolable and continue so long as game existed there. However, the United States Supreme Court has held, in *Ward v. Race Horse* (163 U. S., 504), that the admission of a State into the Union annuls such treaty rights. Therefore the Utes could legally be held by the officials of the State of Colorado to be violating the game laws. The testimony shows that the Indians were aware that their hunting was liable to be objected to, and that they had been for some time rather apprehensively on the lookout for the "buckskin police," and had made inquiries as to what they would be likely to do to them.

### SOUTHERN UTES, COLORADO.

No change in the affairs of the Southern Utes has taken place since my last report. The patents for allotments have not been issued, nor have the surplus lands been opened to settlement.

The work of making irrigating ditches for the allotted tracts is rapidly approaching completion and will, it is thought, be finished this season.

A work of considerable magnitude and importance will be the irrigation of the diminished reservation which is to be occupied by the portion of the tribe that refused to take allotments. The Indian appropriation act of June 7, 1897 (30 Stats., 62), authorized conference with the Montezuma Valley Canal Company, or other parties, for the purpose of securing a supply of water for this reserve. United States Indian Inspector Wright, having looked into the matter under Department instructions, submitted a report dated November 4, 1897, inclosing a proposition from the Montezuma Valley Canal Company to furnish the needed supply. The inspector's report and accompanying proposition were submitted to Congress by Department letter of February 7, 1898 (see Senate Doc. 124, Fifty-fifth Congress, second session). Under the provisions of an item in the Indian appropriation act for the current year, the Department is authorized to make investigation as to the practicability of providing a water supply for irrigation purposes on the diminished reserve, and this investigation is now being made, I am informally advised, through the agency of the Geological Survey.

### SEMINOLES IN FLORIDA.

The Department approved, April 16, 1898, the deed from Frank Q. Brown for a tract in southern Florida, described as section 32, township 47 south, range 33 east, which was purchased for the Seminoles, and was referred to in the last annual report as requiring further papers



before being submitted to the Department. No further purchases of lands for these Indians have been made.

In all, the following lands have been purchased:

Sec. 25, T. 47 S., R. 32 E.; sec. 32, T. 47 S., R. 33 E.; secs. 23, 24, 25, 26, 35, and 36, T. 48 S., R. 32 E.; secs. 12, 18, and 24, T. 48 S., R. 33 E.; and secs. 7, 16, and 34, T. 48 S., R. 34 E.—fourteen sections.

My last report referred to the fact that many of the Seminoles had homes upon lands which had been patented to the State of Florida as swamp lands, and that this office, in its report of May 26, 1897, had made the following recommendation:

Where Indians are known to be located upon specified tracts, such tracts should be exempted from patent; that no person or corporation shall have color of right to deprive the Indians of their ancient possessions. \* \* \*

I also have the honor to recommend that there be inserted in the patent to be issued to the State a clause expressly reserving the rights of the Indians to the occupancy of lands possessed and improved by them at the date of the patent, that purchasers of lands may have notice of the rights of Indian occupants.

From "Land Decisions," Vol. 26, p. 117, it is learned that office report of May 26, 1897, was submitted to the Assistant Attorney-General for the Interior Department, May 28, 1897, who, on January 31, 1898, rendered an opinion, of which the syllabus reads as follows:

If it is made to appear that lands have been erroneously included in a certified swamp land list, and the patent has not issued thereon, the action of a preceding Secretary of the Interior in approving such list may be corrected by his successor.

The status of the Seminole Indians, as occupants of public lands in the State of Florida, is too indefinite in character to receive recognition in patents issued under the swamp grant.

Lands occupied and cultivated by said Indians can not, however, be held as of the character contemplated by said grant, and if, on due investigation, lands so occupied and improved appear to have been certified to the State under said grant, the certification thereof should be revoked.

June 8, 1898, the Commissioner of the General Land Office transmitted to this office the report of Inspector A. J. Duncan, dated March 19, 1898, on the subject of lands for the Seminole Indians of Florida, in which he recommended:

First. That the following public lands be reserved for the use of the Seminole Indians, to be held in trust for them during their occupancy. (1) All the public lands, hammocks and islands and the legal subdivisions of the marsh lands of which they constitute a part, which when surveyed would approximately be in T. 45, 46, 47, 50, 51, 52, and 53 S., R. 34 E., and in T. 45, 46, 47, 48, 49, 50, 51, and 52. S. R. 35 E. (2) What is known as Pine Island, with the adjacent hammocks and the marsh lands of the legal subdivisions of which they constitute a part, approximately situated as follows: Secs. 15, 16, 21, 22, 27, and 28, T. 50 S., R. 41 E. (3) All of what is known as Long Key, with the adjacent islands and marsh lands of the legal subdivisions of which they constitute a part, approximately situated as follows: Secs. 1 and 12, T. 51 S., R. 40 E., and Secs. 7, 8, and 9, T. 51 S., R. 41 E. (4) All of what is known as Miami Jims Island, with all the adjacent hammocks and marsh lands of the legal subdivisions of which they constitute a part, approximately situated as follows: NE.  $\frac{1}{4}$  sec. 35 and the NW.  $\frac{1}{4}$  sec. 36, T. 53 S., R. 40 E. (5) All the public lands and marsh lands of the legal subdivisions of which they constitute a part, approximately situated as

follows: Secs. 24, 25, and 36, T. 50 S., R. 41 E., and secs. 1 and 12, T. 51 S., R. 41 E. (6) All of what is known as Harneys Key and the marsh lands of the legal subdivisions of which it constitutes a part, approximately situated as follows: SE.  $\frac{1}{4}$  sec. 6 and SW.  $\frac{1}{4}$  sec. 5, T. 53 S., R. 40 E.

Second. That a survey be made of all the unsurveyed lands approximately described above for the purpose of more definitely determining their character, situation, etc.

Third. That there be purchased for the use of the Seminole Indians, to be held for them during their occupancy, other lands adjacent to the hammocks and lands in first tract above described, not to exceed 56,000 acres and at a price not to exceed 20 cents an acre.

Fourth. That so much of the moneys appropriated on hand and unexpended for the education and civilization of the Seminole Indians, and hereafter to be appropriated, be applied to the purchase of the lands above referred to.

Fifth. That such isolated tracts as have already been purchased for the use of the said Indians be exchanged for other lands, in order to form a compact tract or reservation as part of the above.

Sixth. That the amount set aside for these Indians, including marsh lands, shall not exceed 350,000 acres.

Seventh. That in case the above land, hammocks, islands, etc., recommended to be reserved for the Seminole Indians be not sufficient and suitable for their support, that the said survey be extended to the southern or other parts of the Everglades, as may be determined upon in the future by the honorable Secretary.

Eighth. That the present site of the agency be removed to such a point within the purchased or reserved lands at such time as may be determined upon, and that a suitable and sufficient quantity of land be reserved for agency purposes, not to exceed 320 acres.

Ninth. That proper measures be instituted immediately for the purpose of carrying out the above recommendations.

I have not been advised what action has been taken by the Department or the General Land Office upon the foregoing recommendations.

## INDIAN TERRITORY UNDER THE CURTIS ACT.

This act, which was approved by the President on June 28, 1898, entitled "for the protection of the people of the Indian Territory, and for other purposes" (30 Stats., p. 475, and p. 00 of this report), is probably the most important piece of legislation and will have the most far-reaching effect of any act that has been passed by Congress relative to Indian affairs since the passage of the act of February 8, 1887 (24 Stats., 383), known as the general allotment act.

The Curtis Act provides for many radical changes in the government of the Five Civilized Tribes and the regulation of affairs in the Indian Territory. Its principal features are:

First. The enlargement and extension of the jurisdiction of the United States courts for the Indian Territory so as to include all causes of action irrespective of the parties, and so as to give those courts jurisdiction to try certain suits by or against the several tribes.

Second. The conferring of jurisdiction for police purposes on the courts and municipal authorities of Fort Smith, Ark., over a certain portion of the Choctaw Nation lying between the corporate limits of

Fort Smith and the Arkansas and Poteau rivers and extending up the Poteau River to the mouth of Mill Creek.

Third. The making of the enrollment of the tribes by the commission to the Five Civilized Tribes, known as the Dawes Commission, conclusive as to the membership of each tribe. This provision will, when executed, determine definitely the membership of the tribes and dispose of all claims to citizenship, which, as stated in another part of this report, have complicated the question of intruders.

Fourth. The allotment of lands in severalty to the members of the tribes by the Dawes Commission, so far as the use and occupancy of the lands may be concerned, reserving all minerals for the benefit of the tribes.

Fifth. The leasing by the Secretary of the Interior of the mineral lands of the different tribes under regulations to be prescribed by him.

Sixth. Providing for the incorporation of cities and towns in the Territory under the provisions of chapter 29 of Mansfield's Digest of the Statutes of Arkansas, if not already incorporated under said chapter.

Seventh. Providing for surveying and laying out town sites and for the appraisal and sale of town lots within the Territory.

Eighth. Providing for the payment of all rents and royalties due and payable to the tribes into the Treasury of the United States to the credit of the tribes, respectively, under regulations to be prescribed by the Secretary of the Interior, and prohibiting the collection of the same by any individuals for the tribe, but permitting the leasing by individuals of their allotments, except as to minerals.

Ninth. Prohibiting the payment of any moneys on any account whatever to the tribal governments for disbursement; providing that the payment of all sums to members of the tribes shall be made by a disbursing officer of the Government, under the direction of the Secretary of the Interior; and declaring that per-capita payments to be made direct to individuals shall not be liable to the payment of any previously contracted obligation.

Tenth. Directing the enrollment of the freedmen of the Chickasaw Nation and the allotment of lands to them, subject to the determination of their rights under the treaty of 1866 (14 Stats., 769), in a manner to be provided hereafter by Congress.

Eleventh. Declaring all grazing leases made prior to January 1, 1898, to be terminated on April 1, 1899, and all farming leases made prior to January 1, 1898, to be terminated on January 1, 1900, and all leases made subsequently to January 1, 1898, to be void and null.

Twelfth. Authorizing the segregation of 157,600 acres of lands in the Cherokee Nation for the Delawares, subject to the adjudication, by the Court of Claims and the Supreme Court, of the rights of the Delawares in a suit to be brought by them, and giving those courts jurisdiction to try such suit.

Thirteenth. Prohibiting the enforcement of the laws of the various tribes by the United States courts in the Indian Territory.

Fourteenth. Authorizing the permanent location of an Indian inspector in the Indian Territory, who may, under the authority and direction of the Secretary, perform any duties required by law of the Secretary of the Interior relating to affairs therein.

Fifteenth. The abolition of all tribal courts in the Territory, and prohibition of all officers of said courts, after July 1, 1898, from performing any act theretofore authorized by any law in connection with those courts, and from receiving any pay for same, and directing the transfer of all civil and criminal causes then pending in the tribal courts to the proper United States court in the Territory. By a proviso this provision as to courts is suspended as to the Choctaw, Chickasaw, and Creek nations until October 1, 1898, and by reason of action taken by the Choctaw and Chickasaw tribes, under other provisions of the act (mentioned below more specifically), the clause of the act abolishing tribal courts will not go into effect as to the Choctaw and Chickasaw courts.

Sixteenth. The remainder of the act is devoted to the ratification, with amendments, of the agreement between the Dawes Commission and the Choctaw and Chickasaw nations, dated April 23, 1897, and of the agreement between that commission and the Creek Nation, dated September 27, 1897.

These agreements were ratified in the Curtis Act, with amendments, and are to go into effect if ratified before December 1, 1898, by a vote of the members of the nations, to be had at the next general election called for the purpose, with the proviso that on the ratification of those agreements the general provisions of the act shall apply to those nations only where the same do not conflict with their agreements.

By a vote of the citizens of the Choctaw and Chickasaw nations at a special election held on August 24, 1898, the Choctaw and Chickasaw agreement,<sup>1</sup> as amended, was ratified, and August 30, 1898, its ratification was proclaimed as follows by the board appointed in accordance with the Curtis Act to canvass and count the vote:

#### A PROCLAMATION.

Whereas, by section 32 of an act of Congress, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, it is provided "That the agreement made by the commission to the Five Civilized Tribes with commissions representing the Choctaw and Chickasaw tribes of Indians on the 23d day of April, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the 1st day of December, 1898, by a majority of the whole number of votes cast by members of said tribes at an election held for that purpose." And further, "That the votes cast in both of said tribes or nations shall be forthwith returned, duly certified by the precinct officers, to the national secretaries of said tribes or nations, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and national secretary of the Choctaw Nation, the governor and national secretary of the Chickasaw Nation, and a member of the commission to the Five Civilized Tribes, to be designated by the chairman of said commission, and said

<sup>1</sup> For agreement see page 00.

board shall meet without delay at Atoka, in the Indian Territory, and canvass and count said votes, and make proclamation of the result;" and

Whereas, on the 24th day of August, 1898, such an election was held within said tribes, in compliance with the laws of said tribes and said act of Congress; and such commission, composed of Green McCurtain, principal chief of the Choctaw Nation, and S. J. Homer, national secretary of said nation; and R. M. Harris, governor of the Chickasaw Nation, and L. C. Burris, national secretary of said nation; and T. B. Needles, member of the commission to the Five Civilized Tribes, assembled at Atoka on the 30th day of August, 1898, and then and there proceeded to canvass and count the votes cast at said election, as required by law; and said commission hereby proclaim that there were cast for said agreement 2,164 votes, and against said agreement 1,366, there being a majority of 798 votes for said agreement.

Now, therefore, by virtue of the authority in us vested by said law, we do hereby proclaim said agreement duly ratified by the members of said tribes in accordance with the terms and provisions of said act of Congress.

GREEN MCCURTAIN,  
*Principal Chief of Choctaw Nation.*  
SOLOMON J. HOMER,  
*National Secretary Choctaw Nation.*  
R. M. HARRIS,  
*Governor Chickasaw Nation.*  
L. C. BURRIS,  
*National Secretary Chickasaw Nation.*  
T. B. NEEDLES,  
*Commissioner to the Five Tribes.*

Done at Atoka, Ind. T., this 30th day of August, A. D. 1898.

This office is not informed that any special election has been called by the executive of the Creek Nation to vote on the ratification of the Creek agreement as amended, and has no knowledge as to what steps, if any, have been taken with a view to obtaining a vote of the Creek citizens on that question.

The agreement with the Choctaw and Chickasaw nations as amended and ratified deals with all the subjects affected by the Curtis Act and makes provision for the settlement of the affairs and interests of the nations in a manner but little differing from the act. The most important differences between the act and agreement are:

First. By the agreement all lands susceptible of allotment are to be appraised and graded, before being allotted, according to values rather than areas. The act makes no provision for appraisal and grading.

Second. Patents are to be issued to the allottees by the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation jointly. Under the act the Secretary of the Interior shall "confirm" the allotments.

Third. Allottees are given the right to alienate certain portions of their allotments after one, three, and five years. Under the act allotments are to be inalienable.

Fourth. Arrangements for the survey, appraisal, and sale of town lots differ only in providing in the agreement for one commission for each nation instead of one for each city or town.

Fifth. In the agreement the coal and asphalt within the limits of the Choctaw and Chickasaw nations are to be leased by two trustees to be

appointed by the President, one on the nomination of the principal chief of the Choctaw Nation and one on the nomination of the governor of the Chickasaw Nation. These leases are to be for thirty years instead of fifteen, as provided by the act. All leases heretofore made by the national agents of the Choctaw and Chickasaw nations are confirmed and all leases with individuals are annulled.

Sixth. The tribal governments of the Choctaw and Chickasaw nations are continued in existence in a modified form for the period of eight years from March 4, 1898.

The agreement with the Creek Nation, which, as stated above, has not yet been ratified, makes substantially the same provision as to allotments, title, town sites, etc., within the Creek Nation as the agreement with the Choctaw and Chickasaw nations.

No regulations have as yet been prescribed under the Curtis act, but a draft of regulations to govern leasing of minerals under section 13 was prepared in this office under informal instructions from the Department and was informally submitted for Department consideration. Neither have regulations under the Choctaw and Chickasaw agreements been prescribed. As Congress did not, before adjournment, provide any appropriation to meet the expense of the execution of the act or of the agreement when ratified, and as the execution of either would entail some considerable expenditures, it is doubtful whether anything can be safely done to that end further than to prepare for prompt action when Congress shall provide the means for the purpose.

While no general regulations have been prescribed, arrangements have been made by the Department for the execution of the provisions of the act requiring immediate attention, viz, those relating to collection of and accounting for the revenues of the tribes. July 21, 1898, the office was instructed by the Department, as a provisional arrangement, that all rents and royalties arising upon such contracts, leases, permits, etc., as were in force at the time of the passage of the act would, until otherwise provided, be collected by the Indian Agent for the Five Tribes on the basis of such contracts, leases, etc., and the proceeds paid into the Treasury of the United States to the credit of the respective tribes, in compliance with the provisions of the act. Agent Wisdom, of the Union Indian Agency, was given directions, July 23, 1898, to carry out this provisional regulation of the Department, and a copy thereof was furnished to each of the executives of the Five Tribes. July 26, 1898, the Department explained that said provisional regulation was intended to cover also any import taxes, per capita assessments, or other charges upon cattle imposed by the laws of the respective tribes, and instructions to that effect were given Agent Wisdom by telegraph July 28, 1898.

By an act approved July 1, 1898, Congress ratified the agreement entered into on December 16, 1897, between the Dawes Commission and the Seminole Nation, which agreement had been previously ratified by that nation. This agreement, which will be found on page 00 of this

report, in its general provisions does not differ greatly from the Choctaw and Chickasaw agreement heretofore discussed.

One of its provisions, however, entails upon the Government the duty of making an effort to enlarge the Seminole Reservation, and is as follows, viz:

It being known that the Seminole Reservation is insufficient for allotments for the use of the Seminole people upon which they, as citizens holding in severalty, may reasonably and adequately maintain their families, the United States will make effort to purchase from the Creek Nation, at \$1.25 per acre, 200,000 acres of land immediately adjoining the eastern boundary of the Seminole Reservation and lying between the North Fork and South Fork of the Canadian River, in trust for and to be conveyed by proper patent by the United States to the Seminole Indians upon said sum of \$1.25 per acre being reimbursed to the United States by said Seminole Indians, the same to be allotted as herein provided for lands now owned by the Seminoles.

No provision has been made by law for the opening of negotiations with the Creek Nation for the purpose, but it is thought that the Dawes Commission, now engaged in the exercise of their duties in the Indian Territory, will have the authority under their general powers to make an agreement with the Creek Nation for a cession of a part of their lands on the west, to be added to the Seminole Reservation.

### INTRUDERS IN THE INDIAN TERRITORY.

In my last annual report a full statement was given of the status to date of intruders in the Five Civilized Tribes. Since then, although nothing directly has been done in the matter, the entire situation has been changed.

A provision of the Indian appropriation act of July 1, 1898, has an important bearing on the intruder question in that it authorizes appeals in all citizenship cases from the courts in the Indian Territory direct to the Supreme Court of the United States. Under this provision, as before remarked, the vexed question of citizenship, which more than anything else has complicated the intruder question, will be finally determined by the courts. Moreover, the extensive and radical modifications of tribal government and ownership in the Five Civilized Tribes, caused by the Curtis Act, as set forth above, will probably so dispose of the intruder question as to obviate the necessity for any removal of intruders being made.

### SALE OF PEORIA AND MIAMI LANDS, INDIAN TERRITORY.

The Indian appropriation act approved June 7, 1897 (30 Stats. p. 72), provides—

That the adult allottees of land in the Peoria and Miami Reservation in the Quapaw Agency, Indian Territory, who have each received allotments of two hundred acres or more may sell one hundred acres thereof, under such rules and regulations as the Secretary of the Interior may prescribe.

The prescribed rules were adopted July 10, 1897, and the first approval of such conveyances was made October 5, 1897. There have been approved by the Department up to August 5, 1898, thirty-two conveyances of land by the Peoria Indians, amounting to 2,684.57 acres, at a valuation of \$27,653.90, an average of \$10.30 per acre, and sixteen conveyances by the Miami Indians, amounting to 1,411.05 acres, at a valuation of \$12,505, an average of \$8.86 per acre, making in the aggregate a sale of 4,095.62 acres of land for \$40,108.90, an average of \$9.79 per acre.

### TITLE TO LAND PURCHASED BY THE SAC AND FOX INDIANS IN IOWA.

Since 1857 the Sac and Fox Indians have purchased at various times with their own funds sundry tracts of land in Iowa, trust deeds for which were made, some in the name of the governor of the State and some in the name of the Indian agent; a few deeds were made in trust for certain named Indians which were undoubtedly intended for the tribe.

In settling the status of these Indians the question of jurisdiction over their lands has arisen, and, in order to secure a just recognition of their rights, the legislature of the State of Iowa, in January, 1896, ceded to the Federal Government jurisdiction over the Iowa Indians and their lands. The United States Indian agent for the Sac and Fox Agency, Iowa, and the governor of the State of Iowa, were thereby authorized to transfer by deed of conveyance, for the use and benefit of said Indians, the legal title held by them in trust, respectively, and the trusteeship of the lands of the Sac and Fox Indians of Tama County, Iowa, to the Secretary of the Interior and his successors in office.

By the Indian appropriation act approved June 10, 1896 (29 Stats., p. 331), the United States "accepts and assumes jurisdiction over the Sac and Fox Indians of Tama County, in the State of Iowa, and of their lands in said State, as tendered to the United States by the act of the legislature of said State, passed on the 16th day of January, 1896, subject to the limitations therein contained."

The records of this office showed that the following sixteen tracts of land were held by these Indians, viz:

1. Deed, dated November 13, 1876, from Lewis Carmichael to the governor of Iowa, in trust for the use and benefit of the Sac and Fox Indians of Iowa, the E.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$  of sec. 29, T. 83 N., R. 15 W., except the right of way of railroad and Tama Hydraulic Company; also the west 24 acres of the NW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of sec. 32, T. 83 N., R. 15 W., Iowa, containing in all 144 acres, more or less; consideration, \$2,600.

2. Deed, dated November 11, 1876, from Andrew Jackson and Catherine, his wife, to the governor of Iowa, in trust, etc., the SE.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 30, T. 83 N., R. 15 W.; consideration, \$800.



3. Deed, dated November 14, 1876, from David Toland and Nancy, his wife, to the governor of Iowa, in trust, etc., the following-described land, viz: Commencing at the center of sec. 31, T. 83 N., R. 15 W., thence N. on quarter-section line 39.91 chains to the NW. corner of the NE.  $\frac{1}{4}$  of said sec.; thence E. 14 chains to the south bank of the Iowa River; thence S.  $12^{\circ} 40'$  E. along said bank 4.50 chains; thence S.  $53^{\circ} 40'$  E. along said bank 3 chains; thence S.  $73^{\circ} 40'$  E. along said bank 3 chains; thence N.  $81^{\circ} 40'$  E. along said bank 5 chains; thence E. along said bank 3.23 chains; thence S., parallel with the west line of said quarter section, 34.10 chains to a point 50 links south of the quarter-section line; thence W. 25.53 chains; thence N. 50 links to the quarter-section line; thence W. 2.84 chains to place of beginning; except 5 acres at the SW. corner of said NE.  $\frac{1}{4}$  and 5 acres of timber in the north part of said quarter section, sold to Allen Davidson; also excepting 4 acres in the northeast corner, 8 rods wide east and west and 80 rods long north and south; also 2.75 acres in the southeast corner of said described land; containing in all 89 acres, more or less; consideration, \$2,500.

4. Deed, dated April 2, 1883, from John D. Wright and Hannah A., his wife, to Buren R. Sherman, governor of Iowa, and his successors in office, in trust for the Fox or Mesquawkee tribe of Indians, of Tama County, Iowa, the SE.  $\frac{1}{4}$  sec. 25, T. 83 N., R. 16 W., viz., containing 160 acres of land, being the same land conveyed to said Wright by Theodore Schwab and wife, and recorded in Book 6, pages 189 and 190; consideration, \$4,000.

5. Deed, dated March 21, 1883, from Philip Butler and Emma, his wife, to Buren R. Sherman, governor of Iowa, and his successors in office, in trust, as above, all that part of the NW.  $\frac{1}{4}$  and W.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$  of sec. 30, T. 83 N., R. 15 W., which lies south of the Chicago and Northwestern Railway, exclusive of 11.25 acres owned by the Tama Water Power Company, containing 181.7 acres of land, more or less; consideration, \$3,101.94.

6. Deed, dated December 4, 1882, from Wesley Croskrey and Sarah, his wife, to Buren R. Sherman, governor of Iowa, and his successors in office, in trust, as above, the east 56 acres of the N.  $\frac{1}{2}$  of the NW.  $\frac{1}{4}$  (except 4.23 acres off the north side for railroad); and the east 30 acres of the west 60 acres of the S.  $\frac{1}{2}$  of the NW.  $\frac{1}{4}$  (except 2.73 acres lying south of the north bank of the Iowa River); and the west 10 acres of the S.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$ , and the east 20 acres of the S.  $\frac{1}{2}$  of the NW.  $\frac{1}{4}$ ; also, commencing at the southeast corner of the west 10 acres of the S.  $\frac{1}{2}$  of NE.  $\frac{1}{4}$  of sec. 32, T. 83 N., R. 15 W., thence S. 6 chains, thence S.  $67^{\circ} 30'$  W. 5.88 chains to north bank of the Iowa River, thence N.  $62^{\circ} 45'$  W. along said bank 19.20 chains to the quarter-section line, thence east on said quarter-section line 22.41 chains, to place of beginning, the last-described tract containing 10.96 acres, and in all 120 acres, all lying in sec. 32, T. 83 N., R. 15 W.; consideration, \$3,000.

7. Deed, dated May 23, 1883, from Mary A. Gallagher, widow of William Gallagher, to Buren R. Sherman, governor of Iowa, and his successors in office, in trust, as above, the undivided one-third of the NW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of sec. 29, T. 83 N., R. 15 W.; consideration, \$166.67.

8. Deed, dated May 23, 1883, from Mary A. Gallagher, as guardian of Anna Cora and William S. Minor, heirs of William Gallagher, in virtue of authority vested in her by the circuit court of Tama County, Iowa, to Buren R. Sherman, governor of Iowa, and his successors in office, in trust, as above, the undivided two-thirds of the NW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of sec. 29, T. 83 N., R. 15 W.; consideration, \$333.33. This deed was approved by the said court May 26, 1883, and ordered of record in probate records No. 2, page 216.

9. Deed, dated February 19, 1883, from J. A. Berger and Minerva, his wife, to Buren R. Sherman, governor of Iowa, and his successors in office, in trust, as above, the SW.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 20, T. 83 N., R. 15 W.; consideration, \$500.

10. Deed, dated February 22, 1883, from James Burge and Ellen S., his wife, to Buren R. Sherman, governor of Iowa, and his successors in office, in trust, as above, the SW.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$ , the W.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$ , the W.  $\frac{1}{2}$  of the NW.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$ , and  $\frac{1}{4}$  acres off the E.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$ , commencing 24 rods south of the northeast corner, thence west 40 rods, thence south 16 rods, thence east 40 rods, thence north 16 rods to the place of beginning, all in sec. 30, T. 83 N., R. 15 W., containing 24 acres; consideration, \$600.

11. Deed, dated June 15, 1892, from John Fife and Anna J., his wife, to Horace Boies, governor of Iowa, and his successors in office, in trust for the Sac and Fox Indians in Iowa, the SE.  $\frac{1}{4}$  of sec. 31, T. 83 N., R. 15 W., except the west 2.84 chains thereof, also except the north 50 links of the west 113 rods thereof, together with the east 39.25 acres south of the Iowa River, of the E.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$  of sec. 31, T. 83 N., R. 15 W., containing 187 acres of land, more or less; consideration, \$10,285. Recorded in Book 100, page 111, recorder's office, Tama County, Iowa.

12. Deed, dated July 21, 1892, from H. J. Stiger and Carrie E., his wife, to Horace Boies, governor of Iowa, and his successors in office, in trust for the Sac and Fox Indians in Iowa, the W.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$ , the NE.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 4, the S.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of sec. 5, the N.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$  of sec. 8, all in T. 82 N., R. 15 W., containing 280 acres; consideration, \$9,800. This deed is recorded in Book 100, page 154, recorder's office, Tama County, Iowa.

13. Deed, dated July 21, 1892, from same vendors to same vendees in trust, etc., the following lands: E.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of sec. 8, T. 82 R. 15; E.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of sec. 8, T. 82, R. 15; the NW.  $\frac{1}{4}$  and the NW.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 9, T. 82, R. 15, purporting to convey 240 acres; consideration, \$7,680. This deed is recorded in Book 100, page 153, recorder's office, Tama County, Iowa.

14. Deed, dated October 12, 1892, from John N. Adams and Lucy R., his wife, to same grantee, in trust, etc., the SE.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$ , the S.  $\frac{1}{2}$  of the east 28 acres of the SW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$ , and the NE.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$ , and the N.  $\frac{3}{4}$  of the SE.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$ , all in sec. 19, T. 83 N., R. 15 W., containing 124 acres; consideration, \$3,503. This deed is recorded in Book 100, page 380.

15. Deed, dated October 12, 1892, from Daniel S. Hinegardner and Mary J., his wife, to the same vendee in trust, etc., the SE.  $\frac{1}{4}$ , except 6 acres railroad and 4 acres south of the Iowa River, in sec. 24, T. 83 N., R. 16 W., and the south 6 acres of the west 12 acres of the SW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$ , and the S.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$ , and commencing at the SW. corner of the SE.  $\frac{1}{4}$  of sec. 19; thence north on quarter-section line 7.10 chains, S.  $69^{\circ} 30'$  E., 6.31 chains S.  $50^{\circ} 10'$  E., 6.78 chains to south line of said section; thence west 11.31 chains to beginning, containing  $4\frac{1}{2}$  acres; and all that part of the NW.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  and the N.  $\frac{1}{2}$  of the NW.  $\frac{1}{4}$  of sec. 30, that lies north of the Chicago and Northwestern Railway, except 5 acres in the northeast corner thereof, commencing at the NE. corner of the NW.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of said sec. 30; thence west 20 rods, south 40 rods, east 20 rods, north 40 rods to beginning, containing 27.5 acres; all in T. 83 N., R. 15 W., and containing in all 197.625 acres of land; consideration \$5,928.75. This deed is recorded in Book 101, pages 256, 257.

16. Deed, dated October 21, 1892, from Sarah C. Connell, Mary C. Forker and Allison, her husband, William M. Connell and Addie L., his wife, William C. Walters and Mary H., his wife, to the same vendee in trust, etc., the NE.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$ ; the south 5.75 acres of the W.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$ ; the west 3 acres of the north 14.25 acres of the W.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$ ; the SW.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$ ; the S.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$  of sec. 13, and the NW.  $\frac{1}{4}$  and the NE.  $\frac{1}{4}$  and all of the SW.  $\frac{1}{4}$  that lies north of the Chicago and Northwestern Railway, containing 124 acres, all of [in] section 24; all of the above land being in T. 83 N., R. 16 W., and containing in all 612.75 acres; consideration \$20,067. This deed is recorded in Book 101, page 254.

By reference to the annual reports of this office for the year 1867, page 347, and 1884, page 100, it appeared that tracts of land other than the 2,480.075 acres contained in the above enumerated sixteen tracts had been purchased, owned, and claimed by these Indians, and it was important that this office should have a record of all deeds conveying land to them. The United States Indian agent, Horace M. Rebok, was instructed, July 18, 1896, to have an examination made to date of the deed records for Tama County, Iowa, from and including the year 1857, which appeared to have been the earliest land purchase made by these Indians.

After making a preliminary examination of the records, Agent Rebok reported, July 25, 1896, a record of about thirty additional deeds conveying seventeen tracts of land belonging to these Indians, a certified

copy of which would cost \$45. Authority was granted by the Department, July 31, to have certified copies made of such conveyances of land, whether the same were held in trust or otherwise.

On the 12th and 14th of November, 1896, Agent Rebok forwarded certified copies of thirteen deeds for land in Iowa purchased by these Indians, viz:

1. Deed, dated July 13, 1857, from Philip Butler, David Butler, and Isaac Butler, guardian for William Butler and Ozias Butler, minors, conveying to James W. Grimes, governor of the State of Iowa, and his successors in office, in trust for the following-named persons, Indians, and their heirs, forever, viz: Kath a nuk wah, Ku no chalk, Kaha nah, Ma ta na quash, and Pol a cato, for \$1,000, the W.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of sec. 30, T. 83 N., R. 15 W., of the fifth principal meridian, Iowa, containing 80 acres.

2. Deed, dated October 31, 1865, from James Burge and Ellen S. Burge, his wife, conveying to W. M. Stone, governor of the State of Iowa, in trust for the tribe or band of Musquaka Indians, living in Tama County, Iowa, for certain timber trees on the Butler tract and on the land conveyed, the NE.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 30, T. 83 N., R. 15 W., containing 40 acres.

3. Deed, dated May 31, 1867, from Hannah King and Samuel A. King, her husband, conveying to Leander Clark, special United States agent for the Sac and Fox Indians, and his successors in office, in trust and for the use and benefit of said Indians, for \$2,000 the SE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$ , the N.  $\frac{1}{2}$  of the NE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$ , and the N.  $\frac{1}{2}$  of the SE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of sec. 30, T. 83 N., R. 15 W., containing 80 acres; also 19 acres in the NE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of the same section. Commencing at a point 8 rods north of the southwest corner of NE.  $\frac{1}{4}$  of SE.  $\frac{1}{4}$ ; thence east 20 rods; thence south 8 rods; thence east 60 rods; thence north 40 rods; thence west 80 rod; thence south 32 rods to the place of beginning, containing in the aggregate 99 acres.

4. Deed, dated May 14, 1868, from William Croskrey and Rachel J., his wife; Wesley Croskrey and Sarah, his wife; Joseph Croskrey and Sarah Ann D., his wife, and Jacob Croskrey and Caroline, his wife, conveying to Leander Clark and his successors in office, in trust for the use and benefit of said Sac and Fox Indians, for \$3,500, the W.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$  and the SW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of sec. 29, T. 83 N., R. 15 W., containing 120 acres, excepting therefrom the 100 feet right of way to the Cedar Rapids and Missouri River Railroad Company.

5. Deed, dated June 2, 1869, from Philip Butler and Emma, his wife, and David Butler, conveying to Leander Clark and his successors in office, in trust for the use and benefit of the Sac and Fox Indians residing in Iowa, for \$1,600, the W.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$  of sec. 30, T. 83 N., R. 15 W., containing 80 acres.

6. Deed, dated November 3, 1876, from Lewis Carmichael (single), conveying to the governor of Iowa, in trust for the use and benefit of

the Sac and Fox Indians in Iowa, for \$2,600, the E.  $\frac{1}{2}$  of the SW.  $\frac{1}{4}$  and the SE.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of sec. 29, T. 83 N., R. 15 W., except right of way of railroad and Tama Hydraulic Company; also, the west 24 acres of the NW.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of sec. 32, T. 83 N., R. 15 W., containing 144 acres. See deed No. 1 of first list, which does not contain a full description of the land, omitting the SE.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  of sec. 29.

7. Deed dated October 12, 1880, from Normand Lewis and Elizabeth L., his wife, conveying to Joseph Tasson, for \$900, the NW.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of sec. 32, T. 83 N., R. 15 W., containing 40 acres.

8. Deed dated January 9, 1888, from Andrew Jackson and Catherine, his wife, conveying to the governor of the State of Iowa, in trust for the use and benefit of the Sac and Fox Indians in Iowa, for \$434, all of the NW.  $\frac{1}{4}$  of sec. 31, T. 83 N., R. 15 W., lying north of the Chicago, Milwaukee and St. Paul Railway, containing 10.85 acres.

9. Deed dated March 11, 1892, from George W. Louthan and Jane his wife, conveying to Joseph Tasson, for \$70, the following-described tract of land: Commencing at a point 20 rods east of the northwest corner of the SW.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of sec. 32, T. 83 N., R. 15 W., thence south 40 rods, thence east 20 rods, thence north 40 rods, thence west to the place of beginning, containing 5 acres.

10. Deed dated July 9, 1896, from H. A. Shanklin and Gertrude, his wife, conveying to Francis M. Drake, governor of Iowa, and his successors in office, in trust for the Sac and Fox Indians of Iowa, for \$200, the SE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of sec. 30, T. 83 N., R. 15 W., containing 10 acres.

11. Deed dated November 12, 1896, from David Toland and Nancy, his wife, quitclaiming to the governor of the State of Iowa, and to his successors in office, in trust for the use and benefit of the Sac and Fox Indians in Iowa, for \$1, all their right in and to the NE.  $\frac{1}{4}$  of sec. 31, T. 83 N., R. 15 W. (See deed 3 in first list.)

12. Deed, dated November 14, 1896, from John Fife and Ann J., his wife, quitclaiming to the governor of the State of Iowa, and his successors in office, in trust for the use and benefit of the Sac and Fox Indians in Iowa, for \$1, all their right in and to the E.  $\frac{1}{2}$  of sec. 31, T. 83 N., R. 15 W. (See deed 11 in the first list.)

There are eight small tracts, containing about 50 acres, within these Indian purchased lands, which are owned by whites; one tract of 1 acre, four of 5 acres each, one of 4, one of 10, and one of 15 acres, which can be secured at a cost of from \$5 to \$30 per acre, the variation in price arising from quality of soil and location of land. I would respectfully recommend that steps be instituted for the purchase of said lands by securing options thereon.

In reporting deed 1, Agent Rebok held that the conveyance had been made to the five Indians and their heirs, instead of to the tribe, and suggested that authority be given to institute suit in equity in the district court of Tama County, Iowa, to have the title to this land

quieted in the Sac and Fox Indians of Iowa. In reply the office suggested that the Indian agent obtain the consent of the Indians for paying the expenses of prosecuting such suit, inasmuch as the Department had no fund at its disposal for that purpose, and section 189 of the Revised Statutes forbids the employment of counsel by the Government. To that end the agent called a council of these Indians November 21, 1896; but while all of them who knew anything about the transaction testified that the land was bought by the chiefs for the entire tribe and from the funds of the tribe, yet they were unwilling to allow or incur the expense from tribal funds of a suit to recover or quiet title in the tribe.

Here the matter rested until October 7, 1897, when Inspector A. J. Duncan reported that nothing was being done toward securing title to those lands in the Indians, which was a very important matter to them. This office, on the 16th of February, 1898, reported in detail the history and status of those lands and recommended that action be delayed in securing a deed from the governor for such other lands as were held in trust by him until he could convey all the lands which he held in trust for these Indians. The office also recommended that request be made of the Department of Justice to instruct the district attorney for Iowa to consult with Agent Rebok and to enter suit for a change of title from the five Indians to the whole tribe. If this was done and the deed was corrected by the court in favor of the whole tribe, and this office was furnished an exemplified copy of the court proceedings and of the corrected deed, steps might then be taken to have the governor of Iowa and the Indian agent execute deeds of conveyance in accordance with the legislation enacted June 10, 1896. On the 7th of March, 1898, the Department advised this office that request had been made of the Attorney-General as recommended, and March 21 Agent Rebok was furnished a copy of a letter from the Hon. Attorney-General, dated March 10, 1898, stating that H. G. McMillan, esq., United States attorney for the northern district of Iowa, at Dubuque, had been directed to consult with him and to enter suit for said change of title.

When the court acts upon this matter steps will be taken to secure deeds of conveyance for all of their lands from the governor of the State and from the Indian agent, the lands to be held in trust by the Secretary of the Interior, for the use and benefit of the Sac and Fox Indians in Iowa.

#### ATTACK BY PAPAGOS ON EL PLOMO, MEXICO.

April 18, 1898, the State Department informed the Interior Department that the United States consul at Nogales, Mexico, had reported that 40 Papagos from the United States had attacked the village of El Plomo, Mexico, on April 14 last, with the supposed object of frightening the settlers and stealing their cattle.

In compliance with your instructions of April 19 this office telegraphed the United States Indian agent of the Pima Agency, Ariz., to

investigate the matter, and on April 22 he was further instructed by mail as follows:

In addition to my telegraphic instructions of April 19, I have to direct that you exercise the utmost vigilance and watchfulness to prevent the Indians under your charge or within reach along the Mexican border from in any way interfering with or in any manner molesting the persons or property of the citizens of Mexico and from going into Mexican territory.

It is not improbable that evil-disposed persons, taking advantage of the disturbed conditions in the country, will endeavor to incite the Indians to acts provocative of ill feeling on the part of our neighbors on the other side of the line. The affair at El Plomo may possibly have been instigated with that object in view, and perhaps by Spanish sympathizers.

There are a large number of nonreservation Papagos living in the country south and west of Tucson with whom we have had but little official intercourse. However, when they have been visited by agents of this Department they have been found to be tractable and well disposed. It is to these Indians especially that your attention is directed. I think a friendly visit to them at this time would have a good effect, and you are accordingly directed either to go in person or to send a trusted and intelligent employee of the agency to visit them and report upon their condition, etc. It might be well to take one or more of the nonreservation Papagos with you, but of this you must be the judge. Should you discover any feeling of unrest or unusual excitement among them, wise counsel on your part will doubtless have a good effect.

You will keep this office duly informed of the situation along the border and acknowledge the receipt of these instructions.

The agent reported May 11, 1898, that there had been no trouble since the attack on El Plomo, in which no one was killed or wounded; that the trouble was caused by the Sonora Indians, who returned to Mexico to get their stock which they left there when they fled to the American side about a year ago, owing to some trouble; that they did not show fight until they had been fired upon by the Mexicans, who obliged them to flee without obtaining their stock, which is still in possession of the Mexicans; and that he was satisfied there would be no further trouble or outbreak.

Inspector C. F. Nesler was also requested by the Department to make an investigation of the matter, and on May 27 he reported that he had in custody twenty-five Papagos who were engaged in the attack on El Plomo; that four of the Indian ringleaders were, upon his request, held by the United States commissioner at Tucson for the United States grand jury, which would meet in September, to be tried for violation of United States statute 5286; that he deemed this sufficient punishment for them, and had instructed the assistant United States district attorney to enter a nolle pros. as soon as they were brought to trial; that the balance of the party, twenty-one in number, had been sent to Sacaton and turned over to the clerk in charge of Pima Agency, to be confined until further orders, and that he had assured the Mexican authorities that these Indians would be properly punished.

Special Agent Taggart, in charge of Pima Agency, was asked for a report on the status of these Indian prisoners, and June 22 last he replied that the offense of the Indians had been somewhat exaggerated,

and while it might be desirable for reasons of state to hold them as prisoners, yet under the circumstances, as known and believed by the people in the vicinity of his agency, such treatment of them was unnecessary and unjust, particularly so as some of them had families to support and could get employment if released at that time. He also stated that they have always been friendly to this Government, self-sustaining, and honorable and truthful to a marked degree, were not criminals and were not aware of having committed any offense, and that unless there was more to the recent affair than was apparent in that section of the country, he was of the opinion that they ought at once to be released and allowed to return to their homes on parole.

The question as to their continued imprisonment was submitted to the Department in office letter of June 8 last, and June 10 the Department directed that eleven of the prisoners, who were adjudged to have been the least guilty in the attack on the Mexican village, be released on their solemn promise and agreement to avoid further disturbance and not again to cross the international boundary line; also that the ten sent to the Phoenix school, Arizona, and put to work making bricks, be kept in custody for three months from the date of their capture and then paroled on the same conditions as were the others. Their term of imprisonment expired on July 27, and they have been paroled and allowed to return to their homes.

Concerning the four ringleaders, the Department directed that they be held for trial, as recommended by Inspector Nesler, and they are in the custody of the agent.

### NORTHERN CHEYENNE RESERVATION, MONT.

The Indian appropriation act approved July 1, 1898, contains the following section providing for an investigation of affairs upon the Tongue River Reservation, in Montana:

**SEC. 10.** That the Secretary of the Interior be, and he is hereby, directed to send an inspector of his Department to the reservation of the Northern Cheyenne Indians, in the State of Montana, and said agent shall be instructed to make a full and complete report to the Secretary of the Interior upon the conditions existing upon said reservation, said report to be available for use on or before the fifteenth day of November, eighteen hundred and ninety-eight.

It shall be the duty of the said inspector to ascertain if it is feasible to secure the removal of said Northern Cheyenne Indians from the present reservation to some portion of the Crow Indian Reservation, in the State of Montana. He shall also ascertain and report in detail the number and names of the white settlers legally upon the Northern Cheyenne Reservation, the number of acres of land owned by them, its location, and the value thereof, and of the improvements thereon. Also the number and names of white settlers who are alleged to be illegally settled upon the reservation, the circumstances attending their settlement thereon, and their location. He shall also enter into negotiations with the white settlers upon said reservation, who have valid titles, for the sale of their lands and improvements to the Government; and he is hereby authorized and empowered to make written agreements with such settlers, which agreements shall not be binding until ratified and approved by the Secretary of the Interior. He shall also make recommendations as



to the settlement of the claims of such white settlers as have gone upon said reservation under circumstances which give them an equitable right thereon.

He shall investigate the subject of fencing in the said reservation, and shall indicate the lines such fence should follow and the estimated cost of same, and shall report upon the number of cattle and sheep which may safely be pastured within the limits recommended to be fenced. He shall further report upon and make recommendations with reference to any and all matters which in his judgment have any bearing upon the question of securing an equitable adjustment of the difficulties now existing upon said reservation, and with especial reference to bringing about a satisfactory settlement with the white settlers, both as to the sale of their lands to the Government and the adjustment of the reservation limits.

July 29, 1898, this office submitted to the Department for approval a draft of instructions for the guidance of an Indian inspector in the investigation of matters pertaining to the Northern Cheyenne Indians under the provisions of the above section. On August 3, 1898, this office was advised that they had been forwarded to United States Inspector James McLaughlin, with directions to make the contemplated investigations.

### PUEBLOS IN NEW MEXICO.

**Zuñi Grant.**—By reference to the annual report of the Commissioner of the General Land Office for the year 1880, page 658; it appears that the Zuñi pueblo was granted to the inhabitants of the pueblo in 1689, by Spain, and the claim therefor was approved by the surveyor-general of New Mexico, September 25, 1879, and a survey made of its exterior boundaries in 1880. Its area was found to be 17,581.25 acres, and its location in Valencia County, N. Mex. It does not appear that the grant was approved by the Department or by Congress, although the matter was referred to Congress by the Department December 7, 1880, and no patent has ever been issued for that grant.

By an act of Congress entitled "An act to establish a Court of Private Land Claims, and to provide for the settlement of private land claims for certain States and Territories," approved March 3, 1891 (28 Stats., p. 854), provision was made in the sixth section of the act for the confirmation of title to all lands under Spanish grant in New Mexico that had not been confirmed by Congress or decided upon legal authority. By the twelfth section all such claims were to be presented within two years from the date upon which the act took effect, otherwise to be considered as abandoned and forever barred. As no petition was filed by the Indians for this pueblo, or by the Government in their behalf, it would appear that their claim to title in said pueblo is forever barred unless the second clause of the thirteenth section shall protect them in that title. It provides that "no claim shall be allowed that shall interfere with or overthrow any just or unextinguished Indian title or right to any land or piece."

Capt. J. L. Bullis, acting as Indian agent for the Pueblo and Jicarilla Agency, advised this office, September 22, 1896, that he had ascertained from the governor of the Zuñi pueblo that all their deeds, documents,

etc., were lost. Later he reported that certain papers relating to the Zuñi grant had been found in the office of the surveyor-general of the Territory of New Mexico, and he recommended that, in case Congress should decline to take action in the matter, a suit be instituted in the United States Court of Private Land Claims, then sitting at Santa Fe for the settlement of land grants in New Mexico. The matter was reported to the Department, January 27, 1897, with the recommendation that the case be referred to the Commissioner of the General Land Office for an expression of his views as to what method should be adopted to secure the title of the Zuñi pueblo grant in and to the Zuñi Indians.

The Department on the 9th of March informed this office that the Commissioner of the General Land Office saw no way by which the title to the grant could then be confirmed to the Indians, except by special act of Congress, either confirming the claim outright or permitting suit to be brought against the United States in the Court of Private Land Claims, notwithstanding the limit for such actions fixed by the act of 1891. Holding that it seemed but fair and just to the Indians that the necessary steps be taken to secure their homes to them, as had been done in the case of other Indians similarly located, the Department directed that a draft of the necessary legislation be prepared to be submitted to Congress.

For use in the preparation of such draft the Commissioner of the General Land Office, April 24, 1897, furnished this office with the following copy of the transcript of the records of the claim of the Zuñi Indians for land in New Mexico, furnished by the surveyor-general of that Territory in his letter of November 20, 1880:

Transcript of Indian Pueblo Grant V, in the name of the pueblo of Zuni, in New Mexico.

Date of grant, September 25, 1689.

Date of surveyor-general's approval, September 25, 1879.

Transmitted to the General Land Office by the surveyor-general of New Mexico, November 20, 1880.

Letter No. 75342.

#### GRANT GIVEN TO ZUNI—YEAR 1689.

At the town of Our Lady of Guadalupe del Paso del Rio del Norte, on the twenty-fifth day of the month of September, year one thousand six hundred and eighty-nine, his excellency, the governor and captain general, Don Domingo Jironza y Petroz de Cruzate, declared before me that whereas within the reach of his authority which he has in New Mexico and of his power over the Queres Indians and over the apostates, and that after having fought all the other Indians of the Pueblos, an Indian called Bartolome de Ojeda, who was the one who distinguished himself most in battle, succoring all points, surrendered himself, finding himself wounded by a gunshot and an arrow, and being already disabled I ordered him to be taken and caused that they should heal him with great care so that he might be examined and state on his confession the condition in which is found the pueblo of Zuni and the other apostates of that kingdom, and as the Indian is versed in the Castillian language, is apt, and can read and write, and as he was the same who had conducted General Pedro de Renero de Possada to that pueblo, he being then on his way back

for this place, and he being in the house of Field Marshal Baniungas Mendoza, he was overtaken by the said Indian, and being brought into my presence I ordered that under oath he declare what is his name and whether he is disposed to confess the truth in so far as he might know and might be interrogated.

Questioned what is his name, where he is a native of, what is his age and his occupation, and whether he knows how Zuni is, he stated that his name is Bartolome de Ojeda and that he is a native of the Province of New Mexico, at the pueblo of Zia, and must be twenty-one or twenty-two years of age, a little more or less, and that he has not had any other occupation than the practice of agriculture, and that he knows how Zuni is because he was an apostate in that kingdom, and this he answers.

Questioned what are the boundaries which Zuni is known to have on account of the crops it has on the Rio Teguello, and whether the pueblo recognizes as its own, because of having crops or because of choice, and whether the Indians will again commit another infamy (torn) other priests, like the one they committed upon the custodian priest (torn), the other priest whom they killed by shooting, and the deponent answers no, that although it was true that all the pueblos had committed violence (torn) priests of the church and that when the war was in Zia all the Indians were there, but that with what had happened to them last year he judged it was impossible that they fail to give obedience; wherefore there were granted by his excellency the governor and captain-general, Don Domingo Jironza Petroz de Cruzate, the boundaries that I here state, on the north one league on the east one league and on the west one league and on the south one league, and these being measured from the four corners of the pueblo. And this his excellency provided, ordered, and signed before me, the present secretary of state and war, to which I certify.

DOMINGO JIRONZA PETROZ DE CRUZATE.

Before me,

PEDRO LADRON DE GUITARA,  
*Secretary of State and War.*

SURVEYOR-GENERAL'S OFFICE,  
*Santa Fe, N. Mex., December 31, 1878.*

The foregoing is a correct translation made by me from the original grant in Spanish on file in this office, in Private Land Claim V, in the name of the Indian pueblo of Zuni.

DAV. J. MILLER, *Translator.*

#### INDIAN PUEBLO OF ZUNI.

INDIANS OF THE PUEBLO OF ZUNI	} Private Land Claim V.
THE UNITED STATES.	

Before the United States surveyor-general for the district of New Mexico, in the matter of the investigation of the claim of the Indians of the pueblo of Zuni to a tract of land in Valencia County, in the Territory of New Mexico, had under the authority of the eighth section of the act of Congress approved July 22, 1854, and the treaty of Guadalupe Hidalgo.

The original title papers, consisting of the grant made September 25, 1689, by Domingo Jironza Petroz de Cruzate, governor and captain-general of the province of New Mexico, to the Indians of the pueblo of Zuni, was filed in this office July 3, 1875, for them, by B. M. Thomas, United States agent for the Pueblo Indians.

These Indians claim the land given them under the said grant of 1689, and it is said still continue to cultivate portions of the tract, though the pueblo or town referred to in the concession was abandoned many years ago, the inhabitants removing to their present residence, known as Zuni Nuevo or New Zuni, situate between 3 and 4 miles to the northwest. The pueblo of Zuni is referred to in the report of James S. Calhoun, then Indian agent, to the Commissioner of Indian Affairs, under date of October 4, 1849, and which is referred to in letter of August 21, 1854, of instructions to the surveyor-general of New Mexico from the Commissioner of the General Land Office.

The grant document is believed to be valid, and it evidently bears the genuine signature of Governor de Cruzate, who was at that date governor and captain-general of the province. The approval of the grant would be in pursuance of the policy of the Spanish Government, from which it was obtained, and, under the conditions of the treaty of Guadalupe Hidalgo, it is obligatory upon the Government of the United States to recognize the rights of the pueblos on the premises. The grant is therefore approved to the inhabitants of the pueblo Zuni to the extent of 1 league of 5,000 varas in each direction from the four corners of the pueblo proper.

A transcript of all the papers in the case in triplicate will be transmitted for the action of Congress in the premises.

Surveyor-general's office, Santa Fe, N. Mex., September 25, 1879.

HENRY M. ATKINSON,  
*Surveyor-General.*

SURVEYOR-GENERAL'S OFFICE,  
*Santa Fe, N. Mex., September 25, 1880.*

The foregoing is a correct transcript of all the papers on file in this office in Pueblo Claim V, the Indian pueblo of Zuni.

HENRY M. ATKINSON,  
*Surveyor-General.*

April 30, 1897, the acting Indian agent for the Pueblos, Capt. C. E. Nordstrom, furnished this office a copy of such correspondence on file in the surveyor-general's office as related to the Zuni pueblo grant, as follows:

On this 19th day of April, 1880, before me, Walter G. Marmon, a notary public in and for the county of Valencia, Territory of New Mexico, personally appeared Frank H. Cushing, of lawful age, and who, having been by me first duly sworn, deposeth and saith in answer to the following interrogatories:

Question. State your name, age, and place of residence.

Answer. My name is Frank H. Cushing; my age is 23 years, and I reside at Zuni, in Valencia County, Territory of New Mexico.

Question. Are you acquainted with the Zuni pueblo grant; and if so, how long have you known it?

Answer. I am; by reputation and through reference to it in contemporaneous documents now in possession of the "Cazique of the House of Zuni."

Question. Do you know the location of the old pueblo of Zuni; and if so, where is it situated?

Answer. I do; it is situated on a high table-land in a southeasterly direction from the present village of Zuni, and distant about 3 miles therefrom.

Question. How do you know of its location?

Answer. From a personal knowledge and general reputation.

Question. Have you any interest in said grant?

Answer. I have not.

(Signed.)

F. H. CUSHING.

Subscribed in my presence and sworn to before me this 19th day of April, 1880.

[SEAL.]

WALTER G. MARMON,  
*Notary Public.*

On this 19th day of April, 1880, before me, Walter G. Marmon, a notary public in and for the county of Valencia, Territory of New Mexico, personally appeared Pedro Pino, of lawful age, and who, having been by me first duly sworn, deposeth and saith in answer to the following interrogatories:

Question. State your name, age, and place of residence.

Answer. My name is Pedro Pino, my age is 75 years, and I reside at Zuni, in Valencia County, Territory of New Mexico.

Question. Are you acquainted with the Zuñi pueblo grant; and if so, how long have you known it, and where is it ("the old pueblo of Zuñi") located?

Answer. I am—since I can remember—on a high mesa southeast of the present Indian town of Zuñi, and distant about 3 miles.

Question. Have you any interest in said grant; and if so, what interest have you?

Answer. I have, as one of the heirs.

PEDRO (his x mark) PINO.

Subscribed in my presence and sworn to before me this 19th day of April, 1880.

[SEAL.]

WALTER G. MARMON,  
Notary Public.

Other papers furnished were the same as those furnished by the General Land Office.

**Witch Hanging in Zuñi Pueblo.**—In my last report reference was made to the arrest of a number of the Zuñi Pueblo Indians for "witch hanging." February 25 last the acting Indian agent for the Pueblo Agency forwarded to this office a copy of a letter dated February 24, from the United States attorney for New Mexico, stating that the five principal men engaged in the witch hanging had been indicted; that four were then in jail in Los Lunas, and a warrant had been issued for the other one; that the petit jury was discharged on the second day of the term and, as the indictment was not returned until the third, there would be no chance for a trial until the last of September, 1898. The acting agent had reported February 3 that there was no further need for the presence of the troops which had been detailed to make the arrests and to preserve the peace afterwards.

**Counsel for Pueblos.**—July 12 last the Department authorized the employment of Mr. George Hill Howard, of Santa Fe, as counsel for the several pueblos in their land and other matters, under an item in the Indian appropriation act for the current year.

### PYRAMID LAKE INDIANS, NEVADA.

The Indian appropriation act, approved July 1, 1898 (30 Stats., p. 594), contains the following clause relating to the Pyramid Lake Reservation, and the inhabitants of the town of Wadsworth located thereon:

That the inhabitants of the town of Wadsworth, in the county of Washoe, State of Nevada, be, and they are hereby, authorized to proceed and acquire title to the town site of such town under the provisions of section twenty-three hundred and eighty-two of chapter eight of the Revised Statutes of the United States, relating to the reservation and sale of town sites on the public lands, and on compliance with the provisions of such town-site laws the inhabitants of said town of Wadsworth shall acquire title in manner and form as provided by the statutes aforesaid: *Provided*, That the proceeds of the sale of the land in such town site shall be paid into the Treasury, and be used by the Secretary of the Interior for the Piute Indians of the Pyramid Lake Reservation: *Provided further*, That if there are any Indians residing in said town and in possession of lots of ground with improvements, they shall have the same rights of purchase under the town-site laws as white citizens: *And provided further*, That the tract of land situated near to and north of the town of Wadsworth, and upon which is located the Pyramid Lake Indian schoolhouse, containing one hundred and ten acres, more or less, shall be, and hereby is, reserved from the town site hereby established, unless it shall be determined by the Secretary of the Interior that said tract is not needed for Indian school purposes.

It will be observed that it is provided that any Indian residing in said town site and in possession of lots of ground with improvements shall have the same right to purchase under the town-site laws as white citizens; also that the tract of land situated near to and north of the town of Wadsworth, upon which is located the Pyramid Lake Indian school, containing about 110 acres, is reserved from the town site established, unless it shall be determined by the Department that the tract is not needed for Indian school purposes.

July 27, 1898, the Indian agent of the Nevada Agency was furnished with a copy of the act, and directed to notify the Indians of its provisions, and to assist any who might be residing within the town site and be in possession of lots of ground and improvements to obtain title thereto under the town-site laws. Steps have been taken, also, to ascertain whether the school tract is still needed for school purposes.

### INDIANS IN NEW YORK.

No change has been made in the condition or political status of the Indians in the State of New York during the past year. The chief obstacle to the betterment of their condition, namely, the claim of the Ogden Land Company, still exists, with no apparent prospect of its being soon removed.

Mention was made in my last annual report of the difficulties that were continually growing out of individual property rights, and that effort would be made to have the New York legislature amend the laws so as to give litigants in property matters the right to appeal from the Peacemakers to the State courts. A petition for such amendment, numerously signed by the Indians, was transmitted to the Department January 8 last, and was, I am informally advised, transmitted to the governor of New York January 13.

A matter of considerable interest to the Indians is the collection of the moneys due from the leasing of town lots in the six villages of the Allegany Reservation. Under existing law these moneys are paid to the treasurer of the Seneca Nation, to be expended for the benefit of the whole people. But it is alleged by many prominent members of the nation that the money is not properly expended, and that when funds are distributed many Indians do not get their share. To remedy this wrong a faction of the Seneca Nation had a bill introduced at the last session of Congress, the purpose of which was to have all lease moneys collected by the United States Indian agent. This bill (S. 2888) was favorably reported on in office letter to the Department, March 10, 1898, and passed the Senate and is now pending in the House.

On April 11 last the Supreme Court of the United States rendered a decision in the case of the New York Indians against the United States. The Indians had sued the United States to recover the value of lands in Kansas which had been set apart as a reservation for them by their treaty of 1838. These lands had never been occupied by the Indians and had been sold by the Government and the proceeds placed

in the United States Treasury. Suit was first brought in the Court of Claims in which judgment was rendered against the Indians. The Supreme Court reversed the judgment of the Court of Claims and remanded the case to that court with instructions to enter a new judgment in favor of the Indians for the net amount actually received by the Government for the Kansas lands less the amount to which the Tonawanda Senecas would have been entitled and less other just deductions. By their treaty of November 5, 1857, the Tonawanda Senecas surrendered their interest in the Kansas lands and their pro rata share of the fund provided for removal to Kansas. In anticipation of a call by the Court of Claims this office on May 5 last submitted to the Department a statement showing the basis upon which the settlement with the Tonawandas was made.

### TURTLE MOUNTAIN CHIPPEWAS, NORTH DAKOTA.

• Ratification of the agreement concluded with the Turtle Mountain Chippewas October 22, 1892, is still delayed, and the Indians therefore continue to be in an unsettled condition, not knowing what to do or to expect. The ratification of this agreement has been repeatedly urged.

A bill (House 9282) was introduced during the last session of Congress referring to the Court of Claims the claim of these Indians for payment for about 9,000,000 acres in North Dakota which they declare have never been ceded by them. It was favorably reported by the House Committee on Indian Affairs (House Report 820), and is still pending.

### TORTURING AND BURNING OF SEMINOLES IN OKLAHOMA.

Early in January, 1898, alarming reports appeared in the newspapers of an impending outbreak by the Indians of the Seminole Nation along the borders of Oklahoma on account of outrages perpetrated in that vicinity. After a searching investigation it was found that the threatened disturbance was due to the burning of two Seminole Indian boys at the stake by a mob of white men from Oklahoma in revenge for the killing of one Mrs. Leard, a white woman living in the Seminole Nation. The facts as to the murder of this woman and the burning of the Indians are briefly stated by Leo E. Bennett, United States marshal, in his report to the Attorney-General, as follows:

On the evening of December 30, 1897, Mrs. Leard, or Laird, a white woman, residing on the "McGeisy farm," 20 miles west of Wewoka, Seminole Nation, and probably 5 or 6 miles east of the post-office of Maud, Okla., was visited by an Indian, who asked to borrow a saddle. This was refused him. He tarried a while, and Mrs. L. became uneasy at his presence and ordered him away. He left, but very soon after returned, and entering the house unannounced picked up a gun and attempted to shoot the woman. The gun failed to fire, and Mrs. ~~started to run~~, whereupon he struck her with the gun, breaking the

stock from the barrel. He then picked up the barrel of the gun, and as she passed out the door he struck her several times in quick succession, the force of the blows crushing her skull, and from which she died. The Indian then stepped into the house and made a search for money, but did not find any. He then went out of the house, and drawing the woman's infant of a few months from under her dead body he put the child in the house and left the place.

The only persons present were the woman and the Indian and the woman's children, the eldest a lad of 8 years, the next a girl of 4 years, and the infant. It was not possible for the children to get their mother's body into the house, and it lay outside during the night. Upon the coming of daylight of the following morning the little boy hastened away to the neighbors for assistance. Upon his return with some of the neighbors it was found that the hogs had gotten into the yard and had partially devoured the body of the woman. The body was then cared for and decently interred and a messenger dispatched for the husband of the woman, who was several miles away. Mr. Leard was accompanied to his home by a number of persons from Oklahoma, and as soon as the burial services were closed those present organized a posse to hunt down the woman's murderer. This posse was heavily armed, and rode all over the western border of the Seminole Nation, taking into custody nearly every Indian who came across its path. All were taken before the little boy for identification, and many of them he was able to state positively did not do the bloody deed. Others he was doubtful in so clearly stating their innocence, and all such Indians were then tortured in an effort to make them confess that they were the ones or had had something to do with the crime.

Finally a confession of guilt was extorted from Palmer Sampson, an ignorant, full-blood Seminole Indian, who also implicated Lincoln McGeisy. The latter denied the charge and until the very last declared his entire innocence. The mob held these boys (for I am advised they were about 18 or 19 years of age) several days, and on the night of Friday, January 7, carried them over into Oklahoma, and chaining them together by their necks with chains, securely fastened them to a tree and piled hay and brush around them, and about 3 o'clock of the morning of the 8th set fire thereto and burned them alive. They continued to burn for about twelve hours, and when found by a searching party their legs and arms were burned from their trunks. The tree was cut down Saturday (8th) afternoon and their remains taken to the Seminole Nation and buried, still chained together.

The first information received of there being any trouble in that country reached me on Saturday night (8th) in a telegram from Deputy Marshal Buchner, who was at Holdenville, and who wired me that there was a raging mob in the Seminole Nation, and asked for instructions. I immediately endeavored to ascertain the cause of the disturbance, and was advised of the death of the two boys as above related, also that the mob had burned the farmhouses on the McGeisy place. The mob having dispersed before this information reached me, I consulted with United States Judge William M. Springer, and wired my deputies at Holdenville and Wewoka to meet United States Commissioner Fears at Wewoka and obey his orders concerning an investigation. Commissioner Fears went to Wewoka on the 10th and at once issued process for witnesses and a warrant for the interpreter who had served the purposes of the mob. On the 10th I also wired Assistant United States Attorney Parker, then at South McAlester, requesting him to proceed to Wewoka and aid in the investigation. Mr. Parker did so. I would



have personally proceeded to the scene, but could not see the necessity for so doing at the time the information reached me. I was also preparing to transport some prisoners from Muscogee to the penitentiary and had all arrangements made to leave with them.

On the night of the 11th telegrams reached me describing scenes of bloodshed and terror because of an alleged uprising of the Indians, it being positively set forth that the town of Maud, Okla., had been burned and that more than twenty-five men, women, and children had been murdered by the Seminole Indians. This information was traced directly to the telegraph operator of the Choctaw, Oklahoma and Gulf Railway at Earlsboro, Okla., who gave them out as facts. \* \* \* About noon I received telegrams from my deputies and other officials then at the scene of the alleged trouble that the reports sent out by the operator at Earlsboro were all fakes and wholly unfounded, but had been circulated for the purpose of creating a sentiment to shield the members of the mob who came from Oklahoma and burned the two Indian boys. Commissioner Fears also wired me that there was no necessity for my going to Wewoka, as all was then being done that was possible to discover the identity of those who composed the mob.

Mr. Fears advised me that he had issued certain subpoenas and warrants and that he had no doubt the facts would be developed. That night (12th) I received a telegram from one of my deputies that he had reached Wewoka with one of the parties, and asked instructions as to disposition of prisoner. I directed him to take the prisoner and subpoena witnesses before Commissioner Fears at Eufaula. That night I left for Boonville, Mo., Columbus, Ohio, and Washington, D. C., with United States prisoners. I am advised, under date of the 16th, that one of my deputies has secured a full list of the names of all persons who were implicated in the burning of the two Indians, together with the names of witnesses to the crime, and that the whole matter has been presented to the grand jury, now in session at Vinita. I have this list of names before me, but for obvious reasons deem it proper to omit giving them in this connection. Three or four of those on the list were residents of the Indian Territory, but the majority of the mob was made up of residents of Oklahoma.

I desire to assure you that every officer connected with the United States courts in the northern district of Indian Territory will use all lawful means at his and their command to bring the guilty party before the bar of justice. In another communication I will present to you certain suggestions which are, in my opinion, proper for your attention.

It may not be out of place for me to advise you at this time of the fact that along the eastern boundary of Oklahoma, within 200 yards, in some cases a mile, from the west line of the Seminole and Creek nations there have been established a great many whisky joints, from which there are daily sold to these Indians many gallons of the vilest of whisky and of alcohol. Such places are located at Maud, Violet Springs, Earlsboro, Keokuk Falls, Stroud, etc. Nearly all the crime along the western portion of my district arises from the presence of these saloons just across the line, and I believe that fully one-half of the whisky introduced in the northern district comes from Oklahoma. The officers of this district hope to secure the cooperation of the official of Oklahoma in putting a stop to this traffic by the prosecution of those who are engaged therein, and steps in this direction were taken several weeks since.

In response to a resolution of the Senate of January 20, 1898, asking that the Attorney-General and the Secretary of the Interior inform the

Senate as to what steps had been taken to ascertain the facts in the case and to punish the alleged offenders, information and copies of correspondence were given, which will be found in Senate Docs. Nos. 98 and 99 (parts 1 and 2), Fifty-fifth Congress, second session.

In the latter part of January last Hon. John T. Brown, principal chief of the Seminole Nation, officially advised the Department of the outrages perpetrated upon members of the nation, and requested, "in view of article 18 of the treaty with the Creeks and Seminoles dated August 7, 1856, whereby the Seminole Nation was promised protection and guaranteed indemnity for all injuries resulting from invasion or aggression," that a suitable person be appointed to ascertain and report the facts as to the burning of the two young men and the inhuman torture of other Seminole Indians, and also to ascertain and report upon the amount and value of the property destroyed or stolen by the mob, to the end that indemnity might be made by the United States for injuries sustained.

Article 18 of the Seminole treaty proclaimed August 29, 1856 (11 Stats., p. 704), provides as follows:

The United States shall protect the Creeks and Seminoles from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to their jurisdiction and laws; and for all injuries resulting from such invasion or aggression full indemnity is hereby guaranteed to the party or parties injured out of the Treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians."

In accordance with Department instructions of January 24, 1898, Dew M. Wisdom, United States Indian agent of the Union Agency, Indian Territory, was directed by this office, January 27, to make the investigation, and was instructed as follows:

In accordance with the above instructions, you will at once make the desired investigation in the premises. Of course, you will take sufficient time in this work to make it thorough and complete; and, so far as possible, all the evidence obtained should be supported by proper and sufficient proof in the form of affidavits, etc. It is presumed in this case that many claims will be made for damages, and great care should therefore be taken in investigating the same, to the end that none but those justly entitled thereto shall be reported to this Department.

The method of procedure in making this investigation will be left largely to your own judgment and discretion; but it is desired that all parties to this unfortunate affair should be given a full hearing, and should be allowed to submit such evidence in relation thereto as they may have or wish to offer.

The agent's reply of March 29, 1898, was transmitted to the Department in office letter of April 4 last. In this report the agent stated in effect that Thomas S. McGeisy and Mrs. Sukey Sampson were the only parties who suffered any loss of property or damage to property at the hands of said mob, and that the following parties, Peter Ossanna, Kenda Palmer, Billy Coker, Chippie Coker, Cobley (or Copley) Wolf, George P. Harjo, Samuel P. Harjo, Duffy P. Harjo, Johnson McKaye, Sever Parnoka, John Washington, George Kernells, Thomas Thompson, Johnny Palmer, Sam Ela, Sepa Palmer, Shawnee Barnett, and Billy

Thlocco, and Moses and Peter Tiger, were arrested and otherwise maltreated in their persons by said mob of United States citizens; that he was unable to obtain affidavits or statements from the two last named, for the reason that they were in prison at Fort Smith, Ark.; that Palmer Sampson, son of the said Mrs. Sukey Sampson, and Lincoln McGeisey, son of said Thomas F. McGeisey, were the two Seminoles who were chained to a tree and burned to a crisp in the most fiendish manner by the mob; that Mrs. Sukey Sampson lost a horse, bridle, and blanket valued at \$80; that Mr. McGeisey lost two houses, a barn, some sheds and other outhouses, a well, some fencing, corn, lot of books, trunks, clothing, and house and kitchen furnishings, all of which he values at \$2,515.65, and that with the exception of the valuation of \$1,250 placed upon the "frame and hewed log house" by Thomas McGeisey, which he, the agent, thinks is fully double what it is really worth, the valuations are approved.

The act of Congress approved July 1, 1898, making appropriations for sundry civil expenses of the Government for the current fiscal year, contained the following provision:

To enable the Secretary of the Interior to cause an examination and investigation to be made of outrages and injuries alleged to have been perpetrated on individual Indians belonging to the Seminole tribe by an armed mob or band of lawless persons who invaded the Seminole country during the months of December, eighteen hundred and ninety-seven, and January, eighteen hundred and ninety-eight, and if, upon such examination and investigation, it shall appear that outrages and injuries have been so perpetrated and that the United States is under treaty obligations to pay for such outrages and injuries, he shall ascertain the amount which should be properly paid said Indian or Indians, or their legal heirs or representatives, and pay such sum or sums as he may deem just and reasonable, and for such purpose a sum not exceeding twenty thousand dollars is hereby appropriated.

As all the facts in the case are now before the Department, it is thought that indemnity will soon be paid by the Government to members of the Seminole Nation injured by the mob of lawless whites in this disgraceful occurrence. Further, the whites guilty of the outrages are now being prosecuted by the Department of Justice.

#### SALE OF CITIZEN POTTAWATOMIE AND ABSENTEE SHAWNEE LANDS, OKLAHOMA.

Up to the 2d of August, 1897, there had been approved by the Department (under the act of August 15, 1894, authorizing these Indians to dispose of their patented lands) 258 conveyances, aggregating in area 29,438.05 acres, valued at \$174,782.09. Between August 2, 1897, and August 5, 1898, there have been approved by the Department 95 conveyances by the Citizen Pottawatomie Indians, at an average of \$4.71 per acre, viz, 88 in Pottawatomie County, aggregating 7,903.06 acres, for \$37,142.50, and 6 in Cleveland County, aggregating 740.43 acres, for \$2,763.15, and 1 in Oklahoma County, 80 acres, for \$1,281.25. During the same period there have also been approved by

the Department 25 conveyances by the Absentee Shawnee Indians, at an average of \$6.98 per acre, viz, 22 in Pottawatomie County, aggregating 1,611.97 acres, for \$11,142.80, and 3 in Cleveland County, aggregating 320 acres, for \$2,350. The total is 120 conveyances, covering 10,655.46 acres of land, for \$54,679.68, or an average of \$5.13 per acre. The total sales of lands by these two tribes of Indians since the passage of the act of August 15, 1894, are 378, aggregating 40,093.51 acres of land, for \$229,461.77.

This office and the Department have given much thought to the adoption of some regulation which would not entail unreasonable expense upon the purchaser and yet would secure to the Indian the payment of the consideration money for the land transferred. Since Congress authorized these Indians to dispose of their lands many deeds have been filed in this office which have borne strong evidence of bad faith on the part of purchasers, and, in some instances, the Indians, through ignorance or duress, have been in collusion with the purchasers in endeavoring to secure the approval of the deed of conveyance by the Department. Notwithstanding all the precautions that have been adopted, in requiring a deposit with the United States Indian agent, or in some reliable national bank, of the whole of the purchase money for the land conveyed, complaints arise that the Indians do not always obtain from the bank the whole amount named in the certificate of deposit, especially in cases where it is impracticable for the agent to accompany the Indian when his certificate of deposit is paid to him.

To forestall schemes between the vendee and the bank of deposit for discounting the certificate of deposit some have adopted the method of collecting through their local banks, but attempts are made to evade this and to overreach the Indian by making the certificate of deposit payable to the Indian rather than to the order of the Indian. I am satisfied that, with the safeguards that have been thrown around these transactions, frauds upon the Indians in making payment for their lands are becoming less frequent, and it is hoped that they may finally be eliminated.

Requests have been made from time to time for legislation allowing those members of the Pottawatomie tribe of Indians who took allotments in severalty under the act of May 23, 1872 (17 Stats., 159), the same privilege of selling any portion of their land in excess of 80 acres as was accorded those Pottawatomie Indians who took land under the general allotment act of February 8, 1887 (24 Stats., 388). The act of 1872 provides that the lands allotted thereunder—

shall be alienable in fee, or leased or otherwise disposed of only to the United States, or to persons of Indian blood lawfully residing within said Territory with permission of the President, and under such regulations as the Secretary of the Interior shall prescribe.

Whenever it shall appear for the best interests of these Indians who took allotments under the act of 1872 that they should dispose of any

portion of their land, I am of the opinion that they should have the legal right to sell the land to whomsoever they please, for the best price obtainable, under rules and restrictions to be prescribed by the Secretary of the Interior, and not be restricted to purchasers "of Indian blood lawfully residing in Oklahoma Territory." With a view to the relief of these Indians, I respectfully recommend that Congress be asked to amend the act of 1872 so as to authorize these Indians to sell their land upon the same terms as are provided in the act of August 15, 1894 (28 Stats., 295).

### OSAGE ANNUITY ROLL CONTESTED CASES.

As a matter of record, it is thought best to give the following brief history of these contested cases:

February 6, 1895, the acting agent of the Osage Agency transmitted a resolution of the Osage national council, which charged that "many persons by means of false testimony have succeeded in obtaining from their national council \* \* \* citizenship in the Osage Nation;" and which appointed a delegation to visit Washington and asked that the Department appoint a competent person to investigate the Osage rolls, to the end that all persons found to be illegally thereon should be stricken off. The council further appropriated \$2,000 to defray the expenses of the desired investigation. In forwarding this resolution, with his favorable recommendation, the acting agent stated: "The relations existing between the full-bloods and half-breed Indians are of such a nature as to require a final and authoritative settlement of the rights of the half-breeds. In my opinion the full-bloods will not listen to any proposition for allotment until this is done."

This duly authorized Osage delegation visited Washington about the 1st of March, 1895, and personally laid the matter before the Department. March 11, 1895, this office, in a report to the Secretary of the Interior, recommended that a person of ability and legal training be appointed to make the desired investigation. The Secretary replied, March 13, 1895, that it would first be necessary to have the Osage Indians, through their counsel, present a list of those persons charged with being unlawfully upon their rolls, "together with the reasons upon which the council expected to sustain the charges," and he added: "When the examination takes place, no evidence will be allowed to sustain an attack upon the citizenship of one already upon the rolls which is not covered by the written specifications." The Osage delegation was, on March 15, 1895, notified of the Secretary's action.

March 20, 1895, this office submitted to the Department a further communication from the Osage council asking early action in this matter and that an inspector be sent to make an investigation. The Secretary, however, in his reply, April 12, 1895, adhered to his former decision requiring that a list of names be submitted with the reasons for the charges made, since it was made by law the duty of the Depart-

ment, acting in a semijudicial capacity, to determine what names are illegally upon the Osage rolls. The Osages, April 23, 1895, were advised of this decision, and August 19, 1895, their acting agent submitted on their behalf a list of the names of 446 persons claimed to be unlawfully upon their rolls, which was submitted to the Department September 12, 1895.

The Department obtained the authority of the President to allow an expenditure of Osage moneys for this investigation and Messrs. Washington J. Houston, of North Decatur, Ga., and Clarence E. Bloodgood, of Catskill, N. Y., were appointed as commissioners. The latter commissioner, however, declined the appointment, and Mr. George Y. Scott was appointed in his stead.

February 19, 1896, the Department requested this office to prepare instructions for these commissioners, and the following day they were submitted to and approved by the Secretary. These instructions contained the following paragraph which fixed January 1, 1888, as the date back of which the investigation should not go:

You will not, however, take up and investigate cases of persons charged to be illegally or improperly upon the Osage rolls who were admitted to the same prior to January 1, 1888, even though their names may appear on the list furnished by the Osage council hereinbefore referred to. However, if during the course of your investigation any case or cases should be brought to your notice of persons having gained admittance thereto by *manifestly flagrant fraud*, prior to that date, you will take testimony and submit proof thereon, with your findings and recommendations, as in other cases, for the information of this Department.

Additional instructions were submitted and approved by the Department April 30, 1896, in which the date was changed by the Secretary to January 1, 1880. The paragraph relating thereto reads as follows:

You will take up and investigate all cases of persons charged to be illegally or improperly upon the Osage rolls who were admitted or placed thereon, by adoption or otherwise, since January 1, 1880, but no case of any person so admitted or placed thereon prior to that date. Nor will you take up for investigation the cases of children admitted or enrolled either before or since January 1, 1880, who were minors at the time of the admission or enrollment of their parents or who have been born since the 1st day of January, 1880.

Some time in June, 1896, the commissioners returned to this city, having completed their work at the Osage Agency, and made separate reports to the Secretary, who referred the same to this office, November 26, 1896. Eighty-two names were added to the original list of 446 by reason of the change of the date from 1888 to 1880. Of the 528 names upon the challenged list prepared by the Osage national council, 296 were reported as exempt by reason of having been enrolled prior to 1880.

The remainder, 232, who were investigated by the commission were reported as follows by Mr. Houston: 80 rights as Osages proved by evidence, and recommended sustained on roll (3 dead); 5 erroneously entered on challenged list, and cases therefore dismissed; 147 without evidence to sustain enrollment, and recommended stricken off the roll

(2 dead). Mr. Houston submitted with his report a "memorial" dated June 6, 1896, from the Osage national council, signed by about two-thirds of the entire tribe, known and designated as full-blood Indians, in which they protested against restricting the examination to those enrolled since 1880, and stated that such limit precludes "the possibility of arriving at any settlement that will be final or satisfactory to all parties at interest." They therefore requested as a matter of justice that all persons upon the list presented by them be investigated.

Mr. Scott's individual report, dated July 16, 1896, appeared to have been prepared some time prior to his colleague's. He reported as follows upon the 232 names investigated: 80 rights as Osages proved by evidence and recommended sustained by Mr. Houston were similarly recommended; 147 (recommended stricken off by Mr. Houston) were disposed of as follows: 68 rights to citizenship proved by evidence and recommended sustained on roll (one dead); 74 rights to citizenship not proved by evidence and recommended stricken off (one dead); 5 not reported on, children of white men married to Indians after law of 1888.

December 29, 1897, this office returned the voluminous testimony and evidence in the cases to the Department, with the recommendation that but 92 of the 232 persons investigated be stricken from the Osage rolls, the balance, 140, to be retained upon the rolls.

The cases were then referred to the assistant attorney-general, who rendered an opinion April 6, 1898, which upon motions of some of the attorneys was modified and a new opinion given. June 15, 1898, he found but 25 persons to be unjustly and illegally upon the Osage rolls, the remainder, 207, to be entitled to be retained thereon. In view of this final decision, the United States Indian agent of the Osage Agency was instructed July 12, 1898, in reference to continuing those contestees on the Osage annuity rolls who were found entitled thereto, and striking off those who were found not so entitled.

### BOUNDARY OF KLAMATH RESERVATION, OREG.

Favorable action was not taken by Congress at its last session upon the recommendation of this office and the Department that the Klamath Indians be compensated in the sum of \$532,270 found to be due them by the commission appointed under the act of June 10, 1896 (29 Stats., 321), on account of the erroneous survey of the boundaries of their reservation. Provision was made, however, for the "resurvey of the exterior boundaries of the Klamath Reservation (so called) in the State of Oregon, in accordance with the provisions of the first article of the treaty" of October 14, 1864. Moreover, the Secretary of the Interior was directed to "negotiate through an inspector with said Klamath Indians for the relinquishment of all their right and interest in and to any part of said reservation, and to negotiate with them as respects any and all matters growing out of their occupation of said reservation

under said treaty;" also, to "ascertain what portion of said reservation is occupied by citizens of the United States, and for what purpose, and under what title."

July 15, 1898, I recommended that the Commissioner of the General Land Office be instructed to cause the boundary lines of the reservation to be surveyed in accordance with the provisions of the treaty of October 14, 1864, as ascertained by the commission named above. I also recommended that the deputy surveyor be instructed not to establish any permanent monuments except such as may be necessary to replace those that have been obliterated on that portion of the established line which coincides with the line determined by the commission. The lands outside the established boundaries have been opened to public settlement and entry, and to a considerable extent are occupied by settlers who have acquired title. Therefore permanent monuments on that part of the line which does not coincide with the established boundary would be worthless and confusing. It is not proposed to dispossess these settlers, who are in no way at fault, but to compensate the Indians for the lands lying between the boundaries established by the approved but erroneous survey, and those determined by the commission to be the correct boundaries intended by the treaty. The only possible object in surveying the latter boundaries is to ascertain the correct area of the lands erroneously excluded from the reservation.

From the fact that a resurvey is directed, it is presumed that Congress is not satisfied that this area was correctly ascertained by the commission, for which reason it is thought that the negotiations authorized should not be undertaken until this area is determined by the resurvey.

### FISHERIES IN WASHINGTON.

As stated in the annual report of last year, a suit was commenced and prosecuted against the Alaska Packers' Association et al., to prevent interference by that association with the fishery rights of the Lummi Indians at the ancient fisheries located on the reef at Point Roberts, Wash., which were reserved to them by the treaty of January 22, 1855 (12 Stats., 928). The suit was decided against the Indians, and the Attorney-General directed that an appeal be taken. No information has since been received from the Department of Justice in regard to this case.

### DANIEL PULLEN AND THE QUILLEHUTE RESERVATION, WASH.

Many years ago Daniel Pullen, a white man, obtained the consent of the Quillehute Indians to establish a temporary residence and make improvements on the lands claimed by them. Having once obtained a foothold, he proceeded to make certain entries of the reservation lands used and occupied by him. A contest arose out of that action, which,



after some years, was finally decided by the Department in favor of the Indians. The Indian agent of the Neah Bay Agency, Wash., was then instructed to put the Indians in possession of their land, whereupon Mr. Pullen sued out a writ of injunction in the United States circuit court, district of Washington, northern division, against the Indian agent, John P. McGlynn, to restrain the agent from removing him from the Quillehute Reservation. May 2, 1898, William H. Brinker, special United States attorney, employed by the Attorney-General as special counsel in the case, reported to this office that he had pushed the case to trial and had succeeded in securing a final decree, rendered April 30, 1898, dissolving the injunction and dismissing the bill filed by the plaintiff, and that the way was then clear for this office to direct the United States Indian agent to remove Mr. Pullen or his tenants from the lands in controversy.

The Washington Fur Company was involved in the case of Pullen, and its rights on the reservation were also passed upon, in determining the rights of Mr. Pullen, by departmental decision of March 1, 1893. (Public Land Decisions, vol. 16, p. 210, et seq.)

May 12, 1898, Samuel G. Morse, the successor of Agent McGlynn, was instructed to serve notice upon Mr. Pullen, his agents or tenants, to remove within a reasonable time from the lands in controversy and beyond the boundaries of the Quillehute Reservation, taking with them their families and all personal effects. If they failed or refused to comply with this notice, he was told that he should forcibly eject them from the lands in controversy and from the reservation also, provided his police force was sufficient to justify him in taking this action; if not, he should report the facts to this office for further instructions.

June 24, 1898, Agent Morse reported that the removal of the personal effects of Mr. Pullen, who was then absent in Alaska, had been accomplished; but that the Washington Fur Company had upon the reservation some 60 or 70 tons of goods, which it would be difficult for them to remove, because they were situated 40 or 50 miles down the coast from Seattle, Wash., and only occasionally could schooners run down to that point, loaded or unloaded. July 12, 1898, he was instructed to give the company ample time to remove their goods.

August 1, 1898, United States District Attorney Gay, for the district of Washington, notified this office that on July 8, last, there was served upon Agent Samuel G. Morse a restraining order based upon the petition of complaint and affidavit of Sutcliffe Baxter in the case of Leman S. Mayer, as receiver of the Washington Fur Company, and that he had prepared a demurrer thereto, which had been sustained by the court; but that the court, however, had allowed the complainant thirty days in which to file a new petition or complaint. The attorney stated that he could interpose another demurrer, and thus fight the whole matter over again.

It is trusted that the partial victory already obtained by the Government will be made complete when the second demurrer in this case

comes to be argued before and passed upon by the court, and that the Indians will finally be put in possession of all the lands to which they are justly entitled.

### STOCKBRIDGES AND MUNSEES, WISCONSIN.

In my last annual report I discussed the embarrassment experienced by reason of the fact that certain tracts of land which have been allotted to Indians within the Stockbridge and Munsee Reservation are claimed by the State of Wisconsin under the swamp-land act, and under decision of the Assistant Attorney-General for the Interior Department a relinquishment of these lands can be had only through the voluntary act of Wisconsin.

There is now pending in Congress a bill (S. 3094) providing for the adjustment of swamp-land grants in the State of Wisconsin, on which this office reported on the 17th of last March. This bill contemplates the relinquishment by that State of all swamp lands within Indian reservations in exchange for other lands to be granted the State in lieu thereof. It is to be hoped that it will become a law at the approaching session of Congress.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner.*

The honorable SECRETARY OF THE INTERIOR.





# ANNUAL REPORT

OF THE

## COMMISSIONER OF INDIAN AFFAIRS

TO THE

SECRETARY OF THE INTERIOR.

1899.

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WASHINGTON.  
GOVERNMENT PRINTING OFFICE.  
1899.



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# REPORT

## OF THE

### COMMISSIONER OF INDIAN AFFAIRS.

OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., September 30, 1899.

SIR: The Sixty-eighth Annual Report of the Office of Indian Affairs is respectfully submitted.

#### APPROPRIATIONS.

The aggregate of appropriations on account of the Indian service for the fiscal year ending June 30, 1900, is \$7,678,863.19. Of this \$7,504,775.81 is appropriated by the act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, and \$174,087.38 by various other acts. The total amount appropriated for the fiscal year 1899 was \$8,237,675.44, which is \$558,812.25 more than for the current fiscal year.

The different objects of appropriation for the two years are shown by the following table:

*Appropriations for the Indian service for the fiscal years 1899 and 1900.*

	1899.	1900.
Current and contingent expenses.....	\$782,840.00	\$811,440.00
Fulfilling treaty stipulations.....	3,250,399.90	2,665,600.81
Miscellaneous supports, gratuities.....	664,125.00	682,125.00
Incidental expenses.....	80,000.00	80,900.00
Support of schools.....	2,638,390.00	2,930,080.00
Miscellaneous.....	263,400.00	354,117.38
Interest on Chickasaw funds.....	558,520.54	
Payment for lands.....		148,600.00
Total.....	8,237,675.44	7,678,863.19



The difference is accounted for as follows:

Decrease:	
Fulfilling treaty stipulations.....	\$584, 799. 09.
Interest on Chickasaw funds.....	558, 520. 54
Total decrease.....	1, 143, 319. 63
Increase:	
Current and contingent expenses.....	\$28, 600. 00
Miscellaneous supports, gratuities.....	18, 000. 00
Incidental expenses.....	900. 00
Support of schools.....	297, 690. 00
Miscellaneous.....	90, 717. 38
Payment for lands.....	148, 600. 00
	584, 507. 38
Net decrease.....	558, 812. 25

## EDUCATION.

The first appropriation for Indian education made by the Continental Congress was \$500 for an Indian pupil at Dartmouth College in 1775. In 1819 Congress appropriated \$10,000 for Indian education, and September 3, 1819, invited "associations or individuals who are already engaged in educating the Indians and who may desire the cooperation of the Government," to report to the Department of War, then having charge of Indians. This was the first direct appropriation of public moneys for this purpose.

The first treaty agreement providing any form of education was with the Oneida, Tuscarora, and Stockbridge Indians on December 2, 1794; this was followed with a second made with the Kaskaskias, August 13, 1803, wherein the United States promised to give annually for seven years \$100 toward the support of a Roman Catholic priest, who, besides his priestly duties, was to "instruct as many of the children as possible in the rudiments of literature." This marks the beginning of the system of governmental aid to these schools. The treaties, however, of the next fifteen years make no mention of education.

On January 15, 1820, John C. Calhoun reported to the House that no part of the \$10,000 appropriated on September 3, 1819, had been applied. Such educational work as had been given to the Indians had been carried on by the religious associations. He says:

Although partial advances may be made under the present system to civilize the Indians, I am of opinion that until there is a radical change in the system any efforts which may be made must fall short of complete success. They must be gradually brought under our authority and laws, or they will insensibly waste away in vice and misery. It is impossible with their customs that they should exist as independent communities in the midst of civilized society. They are not an independent people (I speak of these surrounded by our population) nor ought they to be so considered. They should be taken under our guardianship; our opinions and not theirs ought to prevail in measures intended for their civilization and happiness. A system less vigorous may protract but can not arrest their fate.

It thus appears that he saw even at this early date the necessity for the Government itself undertaking and carrying out under its own auspices the work of educating the Indians committed to its charge.

From this date until July 15, 1870, when \$100,000 were appropriated for Indian schools, this great civilizing agency was conducted by various churches and associations through their missionary agents. That they did good work goes without saying, as these godly people had the welfare of the Indian at heart, but results have since indicated that such a system was not adequate for producing lasting effects. This was recognized by Congress in 1870, when, instead of leaving it to the already over-taxed religious people, the present system was begun by appropriating \$100,000 for this purpose, and repealing the old law of March 3, 1819. This marks the beginning of strictly Government schools; day schools first, followed by boarding institutions. In 1878 the Indian department at Hampton was organized, and the next year the great training school at Carlisle established. From this time on there has been a steady interest in matters pertaining to Indian education, both in and out of Congress, as is evidenced by the liberal appropriations made each year.

In the annual report of the Indian Department for the fiscal year 1872 the then Commissioner of Indian Affairs stated that "The westward course of population is neither denied nor delayed for the sake of all the Indians that ever called this country their home; they must yield or perish." In pursuance of this law of destiny the Indian was forced to yield as the borders of civilization and progress were pushed further and further Westward until they have finally encompassed every tribe and surrounded it with the powerful evidences of the foremost civilization of the world. Once the proud possessor of this boundless territory, the Indian has been forced to yield rather than miserably perish. As his power and forces of resistance decreased those of his former adversaries increased. Recognizing his just claims to consideration, he has been taken under the protecting influences of the Government, and while in many cases confined upon diminished areas, support and subsistence have been allowed in lieu of that which the wild fertile fields of the past gave him for the mere asking, but now he must follow the unchangeable decree of life and learn to labor for that which formerly came without effort. It was not a mere sentimental policy which actuated the Government in furnishing supplies and subsistence to these peoples, but it was simply a recognition of the justice of their claims to be given a support by those who had taken from them their means of existence. Such a policy, however, is not a perpetual one, for, continued too long, the tendency would be to pauperize a race capable of receiving and appropriating the benefits of civilization. In consequence of this, under liberal appropriations, schools have been organized where Indian pupils may be trained through heart, head, and hand for the duties of citizenship, which is

the privilege of every person in this country. The educational system is therefore a broad and comprehensive one, and includes not only that which is taught the white boy and girl in our public schools, but also that which they learn at the fireside and in Christian homes. Their thoughts are turned from the tepee, the chase, and the barbaric ease of a savage life, when they would

“Wallow naked in December snow

By thinking on fantastic summer's heat”

to the practical realities of their present condition, and the manifest advantage of the white man's manners, customs, and habits.

However desirable, it does not as yet seem practicable, in this generation at least, to segregate the great body of Indians and distribute them throughout the country. Hence conditions have necessarily fixed and limited an educational policy for their benefit.

This policy, by force of circumstances, is based upon the well-known inferiority of the great mass of Indians in religion, intelligence, morals, and home life. Their theory and practice of existence has been antagonistic to that of the more fortunate whites, who have behind them long ages of slow and successful progress and struggle for supremacy. Originally kind-hearted, contact with the European strangers who landed on the shores of his country, and were themselves just emerging from the superstitions of the Dark Ages, did not tend to impress him with any very great love for those who introduced themselves for purposes of their own aggrandizement; nor has the attitude of his conquerors for many years since given him a different conception of them. Naturally filled with a love of his country and its vast hunting grounds, he has seen them gradually slipping from his grasp and becoming the abiding place of those whom he at first welcomed to his shores. But, notwithstanding all these years of appropriation and oppression, earnest men and women have held faith in the justice of the Indians' right to existence, a home, and final absorption into the body politic of their country. To the superficial observer and harsh critic the task of preparing them for the rights of citizenship has seemed hopeless as well as farcical, but the experience of the past few years under the present educational plan has fully demonstrated that the Indians possess as a race those germs of intelligence, morality, and domesticity which by careful nurture can and have developed in thousands of instances results as excellent as those displayed in their white neighbors.

It is a wonderful work in which the Government is engaged, and a visit to the schools will astonish the most unsympathetic. On the reservation will be seen the half-naked, often filthy and vermin-infected, children brought in from the camps and placed in the little day schools to receive there their first instruction in the practical application of the maxim “cleanliness is next to godliness.” Filled with superstitions, and rebellious, wild, and intractable, in the hands of the teacher the work of regeneration begins, to be continued on through the reserva-

tion boarding school, and further, if they have the mental capacity and manual aptitude, into a nonreservation training school, where some useful trade is taught by means of which they may be equipped to enter the struggle for existence under new conditions. The hope of the Indian race lies in taking the child at the tender age of four or five years, before the trend of his mind has become fixed in ancient molds or bent by the whims of his parents, and guiding it into the proper channel. Children who have been thus early placed under the influences of the schools show a percentage of success equal to, or greater than, that which attends the public schools of any of the great cities of the world which draw their material from the slums. A greater percentage of the latter sink back into the degradation of their parents and revert to the life from which they were taken than do the Indian boys and girls who have received proper training in Indian schools. The educated child of the average Indian reservation has no severer or harder lot when he returns to his old home than does his white brother of the city slums. It is sometimes stated in the public prints, and by those who should be better informed, that the present method of educating the Indian is a failure, because, in many instances, the pupils, after receiving the advantages of a Government school and living for years in its moral associations, return home, take up the blanket and relapse into the manners and customs of their parents. This may sometimes be true, but, on the other hand, vast numbers of white children who have attended the public schools and been surrounded with the refining influences of Christian churches and happy homes, take up a life of vice and degradation. But no one will honestly contend that, because such is the fact, the State should abandon its splendid system of schools or fail to give the children a good common school-education.

The statistics of educated Indian children in after life will, so far as the records and experience of this office disclose, bear favorable comparison with those of the whites.

While the Indian educational system appears to meet admirably the conditions requisite for success, it is not perfect in all its parts. More schools must be built, methods systematized, individual traits studied, and subsequent environment considered in the adaptation of the lines of studies pursued by the pupil while at school.

At present the principal objection to Indian education lies not in the system itself, but in the fact that adequate provisions can not at all times be made for the future of the student. It is admitted that great hardships are undergone by the young Indian who, having received a good common-school education and a trade, returns, as is sometimes the case, to a bleak and cheerless reservation, there to be surrounded by old customs, manners, and other evidences of a life he has been taught to leave behind him. These, however, are unavoidable conditions which only time, the gradual dying out of the conservative element, and the abrogation of the reservation system can obviate.

Notwithstanding these drawbacks, many are making comfortable homes for themselves and living upon and cultivating lands in severalty.

Through the generosity of Congress many of the arid, cheerless, and desert regions of the reservations are being converted into cultivable tracts of land by the inauguration of irrigation schemes, and upon such tracts these Indian boys and girls may find for themselves comfortable homes and a living. The advantage and necessity of taking their lands in severalty is impressed upon the pupils in the schools, to which end their training must necessarily tend. The dignity of labor and the necessity for exertion upon their part is an essential part of their education. All Government schools are industrial in that one-half of each day is devoted to those pursuits which it is expected the pupils will follow when they return home. These years of training are not easily shaken off, and much of it under the most adverse conditions clings to the pupils, having an unconscious effect upon the friends and relatives with whom they are thrown in contact. The leaven thus introduced evidences itself in a slow but gradual elevation in those tribes struggling for advancement and enlightenment.

#### THE RESERVATION IN RELATION TO EDUCATION.

The reservation system of the United States was the necessary outcome of conditions prevailing between the whites and Indians in the settlement and development of the country. The Government was forced to deal with large bands of Indians who were gradually driven back as the borders of civilization were extended, while the busy hum of industry began to be heard where all had been stillness under the ownership of this people. Angry and revengeful, their predatory attacks were inimical to the best interests of the settlers; therefore two alternatives presented themselves—extermination or absolute control. Humanitarian principles prevailed, and the latter was accepted. Hence as a matter of military and commercial necessity the Indians were placed upon tracts of land reserved and set apart for their benefit, where they could be at all times under proper and efficient surveillance. Deprived in course of time of the game upon which they had formerly subsisted, the Government gave freely for their support. Such assistance was not intended as a perpetual mortgage upon their own exertions, but just so soon as the tribes ceased to be formidable it was and is the policy that they must begin to rely upon their own labors, being forced to understand that those who eat must also work. The reservation was not intended as a place where these savages could be merely disarmed, nor to surround them with a wall to be built each year higher and higher by their own pauperism and idleness, forever to debar them from active participation in the duties of life and citizenship; nor were they to be permitted to wander as vagabonds, gypsy-like, over the country, a nuisance to the people and themselves, dependent upon public charity. Fitted neither by heredity nor education to be the architects of their own destiny through the medium of

manual labor, as all such people must be, it was necessary that they should be placed upon these reservations, not for the purpose of forming or re-forming the gnarled and knotted character of the old Indian seasoned by generations of warfare and antagonism, but to prevent him from interfering while the Government could secure the necessary time to mold the individualism of his children under the enlightened influence of schools established for their benefit.

When this result has been accomplished the necessity for Indian reservations will cease. It is therefore essential that the education of the present generation of young Indians shall be along this line, which will prepare them to take and properly appreciate their share of the common land belonging to themselves and parents when the same is allotted in severalty. This being the goal, the danger in the system lies in its being delayed too long. While it is true the best and most permanent results are only looked for from the education of the young, yet the older ones can not be neglected, so the gospel of work is preached to parents as well as to their children.

The purpose of many large nonreservation schools, such as Carlisle, Phoenix, Haskell, and others, is through the outing system to train the boys in farming, stock raising, and other kindred industries, while the girls receive practical instruction in dairying, cooking, housewifery, etc., in order that they may find permanent homes among farmers and others in civilized communities. Where remunerative positions can be obtained in such places the authorities of the school offer every inducement to these bright boys and girls to remain away from the reservation and make their homes where they will be surrounded by the comforts and enjoyments of the life which they should lead. If they persist, however, in desiring to return to their old homes, or it seems impossible to secure permanent employment, the training which they have received among these honest farmers and at the firesides of rural homes will be of inestimable benefit when they get back among their own people.

The entire educational system of the Indian Office is therefore predicated upon the final abolishment of the anomalous Indian reservation system.

Wherever there is a small Indian reservation with scanty population an effort is made to combine its business and educational features under the superintendent of the school located on the same. Congress in 1894 recognized the benefits accruing to the Indians by coordinating these features of the reservation by providing in each appropriation act since that time—

That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency, whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

In pursuance of such authority a number of reservations have been placed under the control of a bonded school superintendent, and in every case the results have been eminently satisfactory to this office. The expense of maintaining such a reservation is less, in that the principal school and agency employees are combined, while the resultant benefit to the school and other educational interests of the reservation are greater. This course of action, however desirable, can only be undertaken and carried to a successful conclusion at those agencies where conditions are favorable, there being at the present time many which now, and will for some time in the future, require the undivided attention of the agent and the continuance of the present system.

#### VARIETIES OF INDIAN SCHOOLS.

Indian education is administered through the medium of nonreservation boarding schools, reservation boarding schools, reservation day schools, independent day schools, State and territorial public schools, contract boarding and day schools, and mission schools. The first four classes are strictly Government schools, in which the Government has absolute control as to plants, methods, subsistence, and management. Supervisory and other necessary authority is maintained over those public schools in which contracts are made for the education of Indian pupils. Denominational and other schools with which agreements are made for the education and maintenance of so many pupils at a fixed rate per capita are called "contract schools." Mission schools are conducted by various churches and philanthropic organizations upon or near the different reservations. In all these different classes of schools, except those under strictly Governmental control, this office has no authority to appoint teachers or other employees, but can require the dismissal of those who may be morally or mentally inefficient for undertaking the care of the Indian pupils committed to their charge.

#### NONRESERVATION SCHOOLS.

The largest schools devoted to the instruction of Indian youth are located off the Government reservations. The majority are supported from special appropriations made by Congress, whose liberality has contributed to their success to such a degree that in many instances they have been thoroughly equipped for the literary and industrial training of the children committed to their care. There were conducted during the past year twenty-five schools of this class, which number remains the same as that of last year, by reason of the discontinuance of the Clontarf school, Minnesota, and the establishment of one at Rapid City, S. Dak. The energy and cooperation of superintendents and agents have resulted in a gratifying increase of 705 in enrollment and 657 in average attendance as compared with the previous year.

In filling these schools it has been deemed a wise policy to do so, as far as possible, by transfers from the reservation boarding and day

schools. When pupils have completed the curriculum of these institutions and are deemed worthy of further advancement, transfers are effected to the larger and better-equipped ones, so that they may be better fitted to cope with the conditions of their future life. But under the operation of the law requiring the consent of the parents or guardians, the great majority of whom are steeped in ignorance and hostile to schools, such advantages can not be given to all the deserving ones. It sometimes occurs that there are bright boys and girls in the camps and at the day schools who can advantageously be transferred at an early age to this class of schools, and under such conditions attendance upon the reservation school is not insisted upon. The course of instruction in nonreservation schools is adapted, so far as the same can be, to the future environment of the pupil if he elects to return to his old home. As it is not believed to be the province of the state to give its future citizens an elaborate professional or industrial training, therefore industrial and intellectual education are so coordinated that when the boy or girl leaves school he or she is equipped for the ordinary duties of life. The Government lays the foundation and the pupil must thereafter build his own structure. If his talents are in the direction of a business or professional career, he will find that his school course has been of unparalleled benefit to him.

The normal training received by pupils in the larger schools, such as Carlisle, Haskell, Phoenix, and others, has given to the service a number of bright and proficient teachers; however, pupils are given to understand that after the Government has given them an education it has performed its obligation and will only provide places and salaries in its service for those of exceptional merit. All instruction is of that character which is opposed to paternalism, with its perpetual care, guardianship, and maintenance. The establishment of a manual-training department at Phoenix during the ensuing fiscal year will be of vast advantage to the service and, if the results are equal to the expectations of this office, the plan will be followed in other schools.

The present number of nonreservation schools is sufficient to meet all the requirements of the service, but they should be enlarged in some cases and better equipped in others.

The location, date of opening, number of employees, capacity, enrollment, and average attendance of the nonreservation schools are shown in the following table.



## 10 REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS.

TABLE NO. 1.—*Location, average attendance, capacity, etc., of nonreservation training schools during fiscal year ended June 30, 1899.*

Location of school.	Date of opening.	Number of employees. <sup>1</sup>	Capacity.	Enrollment.	Average attendance.
Carlisle, Pa.	Nov. 1, 1879	70	2950	976	878
Chemawa, Oreg.	Feb. 25, 1880	31	350	386	353
Chilocco, Okla.	Jan. 15, 1884	40	350	386	334
Genoa, Nebr.	Feb. 20, 1884	23	300	311	289
Albuquerque, N. Mex.	Aug. —, 1884	26	250	321	304
Haskell Institute, Kansas.	Sept. 1, 1884	53	600	659	541
Grand Junction, Colo.	—, 1888	18	170	166	146
Santa Fe, N. Mex.	Oct. —, 1890	23	250	292	257
Fort Mojave, Ariz.	—do—	16	150	163	153
Carson, Nev.	Dec. —, 1890	16	150	196	145
Pierre, S. Dak.	Feb. —, 1891	18	150	154	132
Phoenix, Ariz.	Sept. —, 1891	42	600	706	624
Fort Lewis, Colo.	Mar. —, 1892	28	300	870	824
Fort Shaw, Mont.	Dec. 27, 1892	30	250	305	261
Ferris, Cal.	Jan. 9, 1893	16	150	209	186
Flandreau, S. Dak.	Mar. 7, 1893	24	200	236	205
Pipestone, Minn.	Feb. —, 1893	11	100	119	104
Mount Pleasant, Mich.	Jan. 3, 1893	20	300	267	215
Tomah, Wis.	Jan. 19, 1893	15	125	153	135
Wittenberg, Wis. <sup>2</sup>	Aug. 24, 1895	14	100	111	99
Greenville, Cal. <sup>2</sup>	Sept. 25, 1895	7	100	71	49
Morris, Minn. <sup>2</sup>	Apr. 3, 1897	14	100	134	118
Chamberlain, S. Dak.	Mar. —, 1898	10	100	85	65
Fort Bidwell, Cal.	Apr. 4, 1898	7	100	59	50
Rapid City, S. Dak.	Sept. 1, 1898	10	100	50	37
Total		582	6,295	6,880	6,004

<sup>1</sup> Excluding those receiving \$260 and less per annum.<sup>2</sup> 1,500 with outing system.<sup>2</sup> Previously a contract school.

All these schools are specifically appropriated for by Congress excepting Fort Lewis, Fort Shaw, Wittenberg, Greenville, and Fort Bidwell.

## RESERVATION BOARDING SCHOOLS.

As a factor in the educational development of the Indian the boarding school located on the reservation and in the Indian country is of incalculable value. Surrounded by the population from which its school-rooms, shops, and dormitories are filled, it presents daily object lessons to the older element and forms a stepping-stone from camp conditions to home life. Within its walls the boys and girls are taught the charms and advantages of civilization, presented ideals for emulation, and a desire awakened for a more moral and profitable existence.

Wherever conditions warrant children are first taken into the day schools and then continued in the boarding schools, although it frequently happens that their enrollment in the latter is directly from the camps.

While the industrial training is not so varied as in the larger nonreservation schools, yet it is of such a character as will tend to place the Indian boy on a level with his white neighbor of the same age. Therefore industries suitable to the reservation are taught the boys, while the girls are trained to the domestic arts which will enable them to bring comfort and happiness to their future homes.

There are 76 of these institutions, varying in character from the small one of 30 or 40 pupils to the larger schools where 200 pupils are brought together. Experience has demonstrated that reservation

schools should rarely exceed 150 pupils, as in much larger institutions something of the home life and individual treatment must be sacrificed.

The following table will give brief statistics concerning the Government reservation boarding schools:

TABLE NO. 2.—*Location, date of opening, capacity, enrollment, and average attendance of Government reservation boarding schools.*

Location.	Date of opening.	Capacity.	Enrollment.	Average attendance.
<b>Arizona:</b>				
Colorado River .....	Mar. —, 1879	100	102	97
Keama Canyon .....	—, 1887	100	100	78
Navajo .....	Dec. 25, 1881	120	125	77
Pima .....	Sept. —, 1881	150	193	177
San Carlos .....	Oct. —, 1880	100	105	101
Fort Apache .....	Feb. —, 1894	65	74	71
<b>California:</b>				
Fort Yuma .....	Apr. —, 1884	175	165	145
Hoopa Valley .....	Jan. 21, 1893	200	214	168
Round Valley .....	Aug. 15, 1881	70	75	59
<b>Idaho:</b>				
Fort Hall .....	—, 1874	150	185	137
Fort Lapwai .....	Sept. —, 1886	175	99	58
Lemhi .....	Sept. —, 1885	40	31	39
<b>Indian Territory:</b>				
Quapaw .....	Sept. —, 1872	90	106	94
Seneca, Shawnee, and Wyandotte .....	June —, 1872	130	145	120
<b>Iowa:</b>				
Sac and Fox .....	Oct. —, 1898	80	49	30
<b>Kansas:</b>				
Kikapoo .....	Oct. —, 1871	60	49	36
Pottawatomie .....	—, 1873	80	88	81
Great Nemaha .....	—, 1871	40	45	39
<b>Minnesota:</b>				
Leech Lake .....	Nov. —, 1867	50	66	45
Pine Point .....	Mar. —, 1892	75	103	70
Red Lake .....	Nov. —, 1877	50	52	36
White Earth .....	—, 1871	40	50	45
Wild Rice River .....	Mar. —, 1892	60	114	95
<b>Montana:</b>				
Blackfeet .....	Jan. —, 1883	150	142	108
Crow .....	Oct. —, 1884	150	145	138
Fort Belknap .....	Aug. —, 1891	100	114	87
Fort Peck .....	Aug. —, 1881	200	192	149
<b>Nebraska:</b>				
Omaha .....	—, 1881	75	92	79
Santee .....	Apr. —, 1874	100	88	70
<b>Nevada:</b>				
Pyramid Lake .....	Nov. —, 1882	120	74	68
Western Shoshone .....	Feb. 11, 1893	50	52	50
<b>New Mexico:</b>				
Mescalero .....	Apr. —, 1884	100	110	107
Zuni-Pueblo .....	Nov. —, 1896	60	73	44
<b>North Carolina:</b>				
Eastern Cherokee .....	Jan. 1, 1893	160	191	169
<b>North Dakota:</b>				
Fort Totten .....	—, 1874	350	310	273
Standing Rock, Agency .....	May —, 1877	150	188	144
Standing Rock, Agricultural .....	—, 1878	100	144	128
Standing Rock, Grand River .....	Nov. 20, 1893	100	118	110
<b>Oklahoma:</b>				
Absentee Shawnee .....	May —, 1872	75	97	86
Arapahoe .....	Dec. —, 1872	150	129	116
Cheyenne .....	—, 1879	150	162	149
Cantonment .....	May 4, 1899	100	79	76
Fort Sill .....	Aug. —, 1891	125	116	103
Kaw .....	Dec. —, 1869	50	41	40
Osage .....	Feb. —, 1874	175	144	134
Otoe .....	Oct. —, 1875	75	99	70
Pawnee .....	—, 1865	125	129	126
Ponca .....	Jan. —, 1883	125	105	90
Rainy Mountain .....	Sept. —, 1893	150	93	85
Red Moon .....	Feb. —, 1898	75	52	42
Riverside (Wichita) .....	Sept. —, 1871	150	99	92
Sac and Fox .....	—, 1868	100	103	73
Seger .....	Jan. 11, 1893	125	128	108

<sup>1</sup> This school also has 4 day pupils.

TABLE NO. 2.—*Location, date of opening, capacity, enrollment, and average attendance of Government reservation boarding schools—Continued.*

Location.	Date of opening.	Capacity.	Enrollment.	Average attendance.
<b>Oregon:</b>				
Grande Ronde .....	Apr. —, 1874	100	92	73
Klamath .....	Feb. —, 1874	125	122	82
Siletz .....	Oct. —, 1873	100	78	60
Umatilla .....	Jan. —, 1883	75	91	68
Warm Springs .....	Nov. —, 1897	175	146	118
Yainax .....	Nov. —, 1882	100	111	79
<b>South Dakota:</b>				
Cheyenne River .....	Apr. 1, 1893	130	148	119
Crow Creek Agency .....	—, 1874	140	137	122
Crow Creek, Grace Mission .....	Feb. 1, 1897	50	48	45
Hope, Springfield .....	Aug. 1, 1895	60	55	46
Lower Brulé .....	Oct. —, 1881	140	160	150
Pine Ridge .....	Dec. —, 1883	200	207	178
Sisseton .....	—, 1873	130	119	83
Rosebud .....	Sept. —, 1897	200	203	184
Yankton .....	Feb. —, 1882	150	154	119
<b>Utah:</b>				
Ouray .....	Apr. —, 1893	80	32	25
Uintah .....	Jan. —, 1881	100	81	57
<b>Washington:</b>				
Puyallup .....	Oct. —, 1873	200	235	181
Yakima .....	—, 1860	125	131	79
<b>Wisconsin:</b>				
Lac du Flambeau .....	July 10, 1895	150	161	146
Green Bay, Agency (Menomonee) .....	—, 1876	150	173	160
Oncida .....	Mar. 27, 1893	120	137	127
<b>Wyoming:</b>				
Shoshone .....	Apr. —, 1879	150	146	130
Total .....		8,865	8,881	7,433

## GOVERNMENT DAY SCHOOLS.

The little day school, usually consisting of a recitation room, small kitchen, and teacher's residence, located on the reservation and in sight of the camps, is a center from which the missionary spirit of a faithful teacher and his wife may be exerted upon old and young. The work at these schools is "on the foundation rather than the superstructure, and if the day-school teacher lays well the walls upon which the fair temple of civilization is to be erected others will supplement the work and in time complete what is begun." Great interest is taken in the rational care and management of the sick, in the preparation of simple meals, in cleanliness and neatness of habits and dress, simple mending of torn garments, the shoeing of a horse, small repairs to furniture, gates, cultivation of the garden, and all that multitude of little duties which, added to each other, are the sum of the average man's or woman's talents. The radius of such a course of instruction widens each year as the influence of the zealous teacher becomes more deeply impressed upon the little ones, who make daily pilgrimages between the smoke-filled tepees and the orderly school room.

There are 142 of these schools, of which 50 are on the great Sioux reservations of Pine Ridge and Rosebud, S. Dak., 16 among the Pueblos of New Mexico, and 11 among the Mission Indians of southern California. The latter are awakening to an interest in education, and the establishment of schools in these ancient villages marks an epoch

in their present life. The majority of the Pueblo schools are conducted in rented buildings, as the difficulties attending the securing of land titles have deterred the office from erecting its own buildings. Several new schools for these people are contemplated early in the ensuing year.

There are seven day schools which are independent of an agent or bonded officer. These are conducted in rented buildings or those furnished by the Indians or their friends. They are located in isolated communities remote from a United States Indian agent or other bonded official. This office furnishes the teacher, books, etc., and reports are made direct to the Commissioner of Indian Affairs.

The noonday luncheon at many day schools is a great feature of their success. Being located in sparsely settled communities, where the adults are in indigent circumstances, a simple repast during the day adds to the interest in the school work, aside from the humanitarian aspect. The benefits of civilization and education fall on the unheeding ears of a hungry child, therefore the extension of the noon-day meal receives favorable consideration where conditions will warrant.

The following table gives the location, capacity, enrollment, and average attendance of the day schools:

TABLE NO. 3.—*Location, capacity, enrollment, and average attendance of Government day schools June 30, 1899.*

Location.	Capacity.	Enrollment.	Average attendance.
<b>Arizona:</b>			
Hualapai—			
Kingman .....	50	50	43
Hackberry .....	60	65	53
Supai .....	60	75	60
Navajo—			
Blue Cañon .....	20	22	12
Little Water .....	30	47	36
Orelba .....	40	44	21
Polacco .....	40	41	26
Second Mesa .....	40	37	15
<b>California:</b>			
Belrd .....	20	25	14
Big Pine .....	30	34	24
Bishop .....	40	72	43
Fallriver Mills .....	40	32	16
Hat Creek .....	30	24	18
Independence .....	30	22	15
Manchester .....	40	22	10
Mission, 11 schools .....	319	290	202
Potter Valley .....	50	33	29
Ukiah .....	30	17	12
Upper Lake .....	30	29	20
<b>Michigan:</b>			
Baraga .....	40	46	28
Bay Mills .....	50	53	22
<b>Minnesota:</b>			
Birch Cooley .....	36	20	12
<b>Montana:</b>			
Tongue River .....	40	38	28
<b>Nebraska:</b>			
Santee—			
Ponca .....	34	30	18
<b>Nevada:</b>			
Walker River .....	36	37	31
<b>New Mexico:</b>			
Pueblo—			
Acoma .....	50	88	20
Cochiti .....	30	30	16

TABLE NO. 3.—*Location, capacity, enrollment, and average attendance of Government day schools June 30, 1899—Continued.*

Location.	Capacity.	Enrollment.	Average attendance.
<b>New Mexico—Continued.</b>			
<b>Pueblo—Continued.</b>			
Isleta .....	50	53	22
James .....	40	68	29
Laguna .....	40	43	20
Nambe .....	30	26	17
Pahuate .....	30	34	16
Paraje .....	20	41	20
Picuris .....	15	20	13
Santa Clara .....	30	38	16
San Felipe .....	30	60	25
San Ildefonso .....	40	43	26
San Juan .....	50	30	18
Santo Domingo .....	30	33	20
Taos .....	40	63	34
Zia .....	35	54	33
<b>North Dakota:</b>			
Devil's Lake, Turtle Mountain, 3 schools .....	140	214	110
Standing Rock, 4 schools .....	135	157	122
Fort Berthold, 3 schools .....	120	141	95
<b>Oklahoma:</b>			
Kiowa .....	30	20	11
Whirlwind .....	20	27	21
<b>South Dakota:</b>			
Cheyenne River, 3 schools .....	72	79	50
Pine Ridge, 31 schools .....	1,085	920	704
Rosebud, 19 schools .....	517	542	454
<b>Utah:</b>			
Shebit .....	30	51	32
<b>Washington:</b>			
Colville, 2 schools .....	80	79	29
<b>Tulalip—</b>			
Lummi .....	40	45	17
Swinomish .....	40	44	30
Tulalip .....	30	29	20
<b>Neah Bay—</b>			
Neah Bay .....	56	63	40
Quillehute .....	60	46	25
<b>Puyallup—</b>			
Chehalis .....	40	15	10
Jamestown .....	30	24	21
Port Gamble .....	25	20	13
Quinalt .....	40	15	11
S'kokomish .....	40	27	9
<b>Wisconsin:</b>			
Green Bay, Stockbridge .....	50	57	26
Oneida, 3 schools .....	76	78	35
La Pointe, 9 schools .....	415	334	211
Total .....	4,966	4,951	3,281
Total number of schools .....			142

<sup>1</sup> This includes 4 day pupils attending Leech Lake boarding school.

## INDIANS IN PUBLIC SCHOOLS.

The first contract for the coeducation of Indian pupils with whites in the public schools was dated July 17, 1890, and the first year under the system exhibited contracts with 8 schools for the education of 91 pupils, of which number there was an enrollment of 7 and average attendance of 4. The present year there were contracts with 36 schools for 359 pupils. Three hundred and twenty-six were enrolled, but there were only 167 in attendance, being only 51 per cent of the number so enrolled.

The following table gives a tabulated statement concerning the public schools enrolling Indians since 1891:

TABLE No. 4.—*Number of district public schools, showing number of pupils contracted for, enrollment, and average attendance from 1891 to 1899.*

Year.	Number of schools.	Contract number of pupils.	Enrollment.	Average attendance.	Rate per cent of average attendance to enrollment.
					<i>Per cent.</i>
1891 .....	8	91	7	4	57½
1892 .....	14	212	190	106	56 —
1893 .....	16	268	212	123	58 +
1894 .....	27	259	204	101	50 —
1895 .....	36	487	319	192	60 +
1896 .....	45	558	413	204	71 +
1897 .....	38	384	315	195	62 —
1898 .....	31	340	314	177	57 —
1899 .....	36	359	326	167	51 +

An inspection of the above table demonstrates that after nine years' trial the results attained by these schools do not seem commensurate with the expenditure. It was believed that an allowance of \$10 per capita per quarter for such average attendance as could be obtained would have induced greater effort to secure these pupils. The great difficulty experienced by agents on reservations in maintaining a good attendance seems emphasized at these schools. Another feature of these contracts arises from the disinclination of the full bloods to withstand the not always silent race prejudice often prevailing in the neighborhood of these district schools, and the result has been that in the majority of instances the benefits are conferred upon the children of mixed bloods, who are or should be entitled to participate in the State funds for education. Theoretically the placing of Indian youth in the public schools, where they come in contact with white children, is a most admirable expedient for breaking down prejudices on both sides and civilizing the Indian, but the above table shows that it is not an unqualified success. The full blood, who needs such contact most, is rarely secured. Certain pupils enrolled in nonreservation schools attend public schools. The training at the Government school fits them for appreciating the benefits of this class of instruction, and the difficulties generally presented are made largely to disappear. It is clearly apparent, therefore, that the groundwork at least of Indian education must be laid under Government auspices and control.

The following table shows the location, etc., of public schools with which this office contracted during the year for the education of Indians:

TABLE NO. 5.—*Public schools at which pupils were placed under contract with the Indian Bureau during the fiscal year ended June 30, 1899.*

State.	School district.	County.	Contract number of pupils.	Number of months in session.	Enrollment.	Average attendance.
California	Anahuac	San Diego	10	9	10	7
	Helm	do	10	7	13	5+
	College <sup>1</sup>	Santa Barbara	12			
Idaho	No. 1	Bannock	9	10	7	6+
	No. 24	Bingham	2	7	3	2—
Michigan	No. 1	Isabella	6	10	5	2—
	No. 9	Lapeer	3	4	5	3—
Montana	No. 6 <sup>1</sup>	Yellowstone	6			
Nebraska	No. 1	Thurston	20	10	17	11+
	No. 6	do	10	10	7	2+
	No. 11	do	10	10	10	5+
	No. 13	do	12	10	12	6+
	No. 16	do	10	7	12	5
	No. 16, "North"	do	10	7	7	3
	No. 17	do	16	10	31	10
	No. 20	Cuming	7	7	6	4+
	No. 14	Burt	25	9	24	11
	No. 36	Knott	15	9	15	8+
	No. 94 <sup>1</sup>	do	2			
	No. 104	do	17	3	4	2
	No. 105	do	2	6	3	2
	No. 1	Sheridan	10	10	19	10+
Nevada	No. 2	Elko	2	4	2	2
Oklahoma	No. 304	Pottawatomie	10	6	6	4+
	No. 77 <sup>1</sup>	do	10			
	No. 79 <sup>1</sup>	do	8			
	No. 80	do	8	6	6	3
	No. 82	do	7	5	6	3+
	No. 102 <sup>1</sup>	do	2	4	2	2
	No. 57	Cleveland	5	7	5	4
	No. 90	Lincoln	5	4	2	1+
	No. 65	Canadian	3	4	3	2+
	No. 60	Coos	4	4	4	3
Oregon	No. 12	Hoxelder	38	10	30	13+
Utah	No. 87	King	18	6	20	10+
Washington	No. 1, Odanah	Ashland	15	10	30	16
Wisconsin						
Total			359		326	167

<sup>1</sup> No report received from this school.

#### CONTRACT SCHOOLS.

The Indian appropriation act for the fiscal year ended June 30, 1899, contains this provision:

That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of various denominations, for the education of Indian pupils during the fiscal year nineteen hundred, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding fifteen per centum of the amount so used for the fiscal year eighteen hundred and ninety-five, the same to be divided proportionately among the said several contract schools, this being the final appropriation for sectarian schools.

The sum of \$463,505 was the amount used for contract schools of all denominations for the fiscal year 1895, of which amount \$53,440 were appropriated for Hampton and Lincoln institutions specifically by Congress, which left a total of \$410,065 as the true amount from which the 15 per centum should be taken. There were two schools, however,

at the Osage Reservation paid out of Osage trust money, and the amount so used for these schools has been deducted from the above total, which leaves a new total for 1895 of \$398,815, of which sum it is proposed to use during the fiscal year 1900 15 per centum, making the sum of \$59,822.25 available for such purposes. This amount has been divided as follows: For the only Protestant school now under contract \$2,160, leaving amount for the Catholic schools of \$57,642.

In view of the fact that the average attendance at these schools was in excess of the contract number, it was deemed best to reduce them ratably rather than to eliminate any particular institution. They have carried 2,188 pupils on the contract number of 749 for which they are paid by the Government.

The following table gives a list of the contracts executed with the different schools for the number of pupils at the rate and amount allowed:

TABLE NO. 6.—*Schools conducted under contract, with number of pupils contracted for, rate per capita; and total amount of contract for fiscal years ending June 30, 1895, and June 30, 1900.*

Name and location of school.	1895.			1900.		
	Number allowed.	Rate.	Amount.	Number allowed.	Rate.	Amount.
Banning, California.....	100	\$125	\$12,500	26	\$108	\$2,808
Baraga, Michigan.....	45	108	4,860	10	108	1,080
Blackfeet, Montana.....	100	125	12,500	17	108	1,836
Bayfield, Wisconsin.....	30	125	3,750	10	108	1,080
Bernalillo, New Mexico.....	60	125	7,500	17	108	1,836
Colville, Washington.....	65	108	7,020	17	108	1,836
Coeur d'Alene, Idaho.....	70	108	7,560	20	108	2,160
Crow Creek, South Dakota.....	60	108	6,480			
Crow, Montana.....	85	108	9,180	17	108	1,836
Devils Lake, North Dakota.....	130	108	14,040	35	108	3,780
Flathead, Montana.....	300	150	45,000	80	108	8,640
Fort Belknap, Montana.....	135	108	14,580	24	108	2,592
Harbor Springs, Michigan.....	95	108	10,260	17	108	1,836
Odanah, Wisconsin, boarding.....	50	108	5,400	17	108	1,836
Odanah, Wisconsin, day.....	15	30	450			
La: Court d'Oreilles, Wisconsin, day.....	40	30	1,200			
Osage, Okla., St. Louis.....	50	125	6,250			
Osage, Okla., St. John's.....	40	125	5,000			
Pine Ridge, South Dakota.....	140	108	15,120	40	108	4,320
Rosebud, South Dakota.....	95	108	10,260	30	108	3,240
San Diego, California.....	95	125	11,875	25	108	2,700
Shoshone, Wyoming.....	65	108	7,020	17	108	1,836
Tongue River, Montana.....	40	108	4,320	13	108	1,404
Tulalip, Washington.....	100	108	10,800	24	108	2,592
White Earth, Minn., St. Benedict's.....	90	108	9,720	24	108	2,592
White Earth, Minn., Red Lake.....	40	108	4,320	13	108	1,404
Pineola, California.....	20	30	600	6	30	180
Hopland, California, day.....	20	30	600	7	30	210
St. Kribbus, California.....	30	108	3,240	5	108	540
Green Bay, Wisconsin.....	130	108	14,040	21	108	2,268
Kate Drexel, Oregon.....	60	100	6,000	12	100	1,200
Bay Mills, Michigan.....	20	30	600			
Shoshone Mission, Wyoming.....	20	108	2,160	20	108	2,160
Total.....	2,435		274,205	564		59,802
Hampton Institute, Virginia <sup>1</sup> .....	120	167	20,040	120	167	20,040
Lincoln Institution, Philadelphia, Pa. <sup>1</sup> .....	200	167	33,400	200	167	33,400
Grand total.....	2,755		327,645	884		113,242

<sup>1</sup> Specially appropriated for by Congress.

<sup>2</sup> Not including the two schools of Osage and one Pottawatomie school at Sac and Fox Agency, Oklahoma.

In the above schedule schools are not included that were dropped from the contract list since 1895, amounting to the sum of \$135,860, the difference between totals in "Amount" columns of tables Nos. 6 and 8.



For the reasons set forth in the Annual Report for 1897 a contract with the St. Louis boarding school, on the Osage Reservation, for 75 pupils at \$125 per capita, amounting to \$9,375, and also a contract with the St. John's boarding school, on the same reservation, for 65 pupils at \$125 per capita, amounting to \$8,125—a total of \$17,500—were executed, and payable out of the Osage trust funds. It appearing that after paying all demands against the educational fund of the Pottawatomies for the present year there remained a surplus which could be utilized, therefore a contract has been executed with the St. Mary's Academy for girls, on the Pottawatomie Reservation, Okla., for 27 pupils at \$125 per annum per capita, amounting to \$3,375. This will practically exhaust this fund.

The following table shows the enrollment, average attendance, decrease or increase in regular Government and contract schools for the period practically covered by the reductions in the contract system:

TABLE NO. 7.—Attendance at contract and regular Government schools compared.

Year.	Contract schools.				Regular Government schools.			
	Enroll- ment.	Average attend- ance.	Decrease in enroll- ment.	Decrease in attend- ance.	Enroll- ment.	Average attend- ance.	Increase in enroll- ment.	Increase in attend- ance.
1893.....	6,125	4,904			14,715	11,233		
1894.....	6,026	5,163	90	(I) 259	15,237	11,831	522	698
1895.....	5,880	4,998	146	165	16,584	12,804	1,347	973
1896.....	4,439	3,797	1,441	1,201	17,789	14,365	1,205	1,561
1897.....	3,158	2,785	1,281	1,012	18,603	14,876	814	511
1898.....	2,899	2,639	159	146	19,899	16,165	1,296	1,289
1899.....	2,903	2,523	90	116	20,712	16,718	813	553

NOTE.—(I) indicates increase; all others in this column are decreases.

An inspection of this table shows that from 1893 to 1899 the contract schools have lost in attendance 2,640 pupils, and the regular Government schools have gained 5,585 pupils.

The amounts allowed for contract schools, aggregated and compared with former years, and showing the names of the denominations and private parties, are exhibited in the following table:

TABLE NO. 8.—Amounts set apart for education of Indians in schools under private control for the fiscal years 1890 to 1900, inclusive.

	1890.	1891.	1892.	1893.	1894.
Roman Catholic.....	\$356,957	\$363,349	\$394,756	\$375,845	\$389,745
Presbyterian.....	47,656	44,850	44,310	30,090	36,340
Congregational.....	28,459	27,271	29,146	25,736	10,825
Episcopal.....	24,876	29,910	23,220	4,860	7,920
Friends.....	23,383	24,743	24,743	10,020	10,020
Mennonite.....	4,375	4,375	4,375	3,750	3,750
Unitarian.....	5,400	5,400	5,400	5,400	5,400
Lutheran, Wittenberg, Wis.....	7,560	9,180	16,200	15,120	15,120
Methodist.....	9,940	6,700	13,980		
Mrs. L. H. Daggett.....				0,480	
Miss Howard.....	600	1,000	2,000	2,500	3,000
Special appropriation for Lincoln Institution.....	33,400	33,400	33,400	33,400	33,400
Special appropriation for Hampton Institute.....	20,040	20,040	20,040	20,040	20,040
Woman's National Indian Association.....					2,040
Point Iroquois, Mich.....					900
Total.....	562,640	570,218	611,570	553,241	537,000

TABLE NO. 8.—*Amounts set apart for education of Indians in schools under private control for the fiscal years 1890 to 1900, inclusive—Continued.*

	1895.	1896.	1897.	1898.	1899.	1900.
Roman Catholic .....	\$359, 215	\$308, 471	\$198, 228	\$156, 754	\$116, 862	\$57, 642
Episcopal .....	7, 020	2, 160				
Friends .....	10, 020					
Mennonite .....	3, 750	3, 125				
Unitarian .....	5, 400					
Lutheran, Wittenberg, Wis. ....	15, 120					
Methodist .....		600				
Miss Howard .....	3, 000	3, 000	3, 500			
Special appropriation for Lincoln Institution .....	33, 400	33, 400	33, 400	33, 400	33, 400	33, 400
Special appropriation for Hampton Institute .....	20, 040	20, 040	20, 040	20, 040	20, 040	20, 040
Woman's National Indian Association ..	4, 320					
Point Iroquois, Mich. ....	600		600	600		
Plum Creek, Leslie, S. Dak. ....	1, 620					
John Roberts .....			2, 160	2, 160	2, 160	2, 160
Total .....	463, 505	370, 796	257, 928	212, 954	172, 462	113, 242

## MISSION SCHOOLS.

That religious bodies without governmental assistance do and can take care of Indian pupils is shown by the records of this office. There are a number of mission schools throughout the Indian country maintained and operated by various religious bodies, both Protestant and Catholic, and philanthropic institutions which furnish teachers, food, clothing, etc., to the pupils attending. These schools, when situated on a reservation where rations and clothing are issued, are presumed to stand in loco parentis. The agent furnishes the school such proportion of food and clothing as he would give the parent were the child at home. If the school is not on a reservation, or is not at a ration agency, the whole expense of the school is borne by the association or church having the same in charge.

In 1893, prior to the inauguration by Congress of reducing contract schools, these "mission schools" reported an attendance of 75, and in 1894 of 152 pupils. For the year 1895, when the first reduction was made, 754 pupils were reported; 755 in 1896; 813 in 1897; 1,112 in 1898; 1,261 in 1899. Of all the pupils cared for in these mission schools a very small percentage only are day pupils.

At many of these points churches and missionary stations are established which are earnestly engaged in converting the Indians to their own faith. To these zealous and godly missionaries the school is as necessary as the mission itself, as through it they are enabled to administer their moral and educational work among the younger Indians. The statistics of attendance are not as complete as they should be, for many do not report promptly the number of pupils which they have in their schools. Therefore the figures given are believed by this office to be under the real number which are being cared for in these mission schools. The labors which they do in an educational way are of inestimable value for civilizing these people, and while the heavy burden must, as it should, rest upon the shoulders of the Government, yet

these little institutions of learning, with their faithful Christian workers, are important adjuncts. At all times this office extends to them a helping hand in every way possible for their success.

The following table gives the location, capacity, etc., of the mission schools:

TABLE NO. 9.—Location, capacity, enrollment, and average attendance during fiscal year ended June 30, 1899.

## BOARDING SCHOOLS.

Location of school.	Supported by—	Capacity.	Enrollment.	Average attendance.
<b>ARIZONA.</b>				
Tucson .....	Presbyterian Church .....	175	170	170
<b>NEBRASKA.</b>				
Santee Agency: Santee Normal (training) .....	Congregational Church .....	90	98	75
<b>NORTH DAKOTA.</b>				
Fort Berthold Agency: Mission Home .....	Congregational Church .....	50	40	30
Standing Rock Agency: St. Elizabeth's .....	Episcopal Church .....	60	63	55
<b>OKLAHOMA.</b>				
Cheyenne and Arapaho Agency: Cantonment .....	Mennonite Church .....	70	78	66
Kiowa Agency: St. Patrick's .....	Catholic Church .....	125	76	67
Mary Gregory Memorial .....	Presbyterian Church .....	40	27	26
Cache Creek .....	Reformed Presbyterian Church .....	40	54	49
Wichita Baptist .....	Baptist Church .....	40	32	29
Methvin .....	South Methodist Church .....	120	50	41
<b>SOUTH DAKOTA.</b>				
Crow Creek Agency: Immaculate Conception .....	Catholic Church .....	60	52	51
Cheyenne River Agency: St. John's .....	Episcopal Church .....	60	45	39
Plum Creek .....	Society for Propagation of the Gospel .....	10	10	10
Oahe .....	American Missionary Society .....	40	33	26
Rosebud Agency: St. Mary's .....	do .....	50	51	49
Sisseton Agency: Good Will Mission .....	Presbyterian Church .....	140	83	76
Yankton Agency: St. Paul's .....	Episcopal Church .....	55	56	52
<b>WASHINGTON.</b>				
Puyallup Reservation: St. George's .....	Catholic Church .....	80	61	47
<b>Total</b> .....		<b>1,305</b>	<b>1,079</b>	<b>960</b>

## DAY SCHOOLS.

<b>ARIZONA.</b>				
Pima Agency: San Xavier .....	Catholic Church .....	100	109	94
<b>NEW MEXICO.</b>				
Pueblo and Jicarilla Agency: Seama .....	Presbyterian Church .....	40	35	30
<b>WASHINGTON.</b>				
Cœur d'Alene Reservation: Wellpinit .....	W. N. I. A .....	50	38	25
Santee Normal (training) .....				25
<b>Total</b> .....		<b>190</b>	<b>182</b>	<b>154</b>

<sup>1</sup> These schools are conducted by religious societies, which receive from the Government for the Indian children therein such rations and clothing to which the children are entitled as reservation Indians.

<sup>2</sup> Attend Santee Boarding School.

## ATTENDANCE.

The following table will exhibit the enrollment and average attendance at all the schools for the fiscal year 1899, aggregated and compared with the fiscal year 1898:

TABLE NO. 10.—*Enrollment and average attendance of Indian schools, 1898 and 1899, showing increase in 1899; also number of schools in 1899.*

Kind of school.	Enrollment.			Average attendance.			Number of schools.
	1898.	1899.	Increase.	1898.	1899.	Increase.	
<b>Government schools:</b>							
Nonreservation boarding.....	6,175	6,880	705	5,347	6,004	657	25
Reservation boarding.....	8,877	8,881	4	7,532	7,433	99	76
Day.....	4,847	4,951	104	3,286	3,281	5	142
<b>Total.....</b>	<b>19,899</b>	<b>20,712</b>	<b>813</b>	<b>16,165</b>	<b>16,718</b>	<b>553</b>	<b>243</b>
<b>Contract schools:</b>							
Boarding.....	2,509	2,468	41	2,245	2,150	95	28
Day.....	96	42	54	68	29	39	2
Boarding specially appropriated for.....	394	393	1	326	335	9	2
<b>Total.....</b>	<b>2,999</b>	<b>2,903</b>	<b>96</b>	<b>2,639</b>	<b>2,523</b>	<b>116</b>	<b>32</b>
<b>Public.....</b>	<b>315</b>	<b>326</b>	<b>11</b>	<b>163</b>	<b>167</b>	<b>4</b>	<b>(<sup>2</sup>)</b>
Mission boarding.....	897	1,079	182	783	960	177	18
Mission day.....	215	182	33	145	154	9	3
<b>Aggregate.....</b>	<b>24,325</b>	<b>25,202</b>	<b>877</b>	<b>19,915</b>	<b>20,522</b>	<b>607</b>	<b>296</b>

<sup>1</sup> Decrease.

<sup>2</sup> Thirty-six public schools in which pupils are taught not enumerated here.

<sup>3</sup> These schools are conducted by religious societies, some of which receive from the Government for the Indian children therein such rations and clothing as the children are entitled to as reservation Indians.

Statistics relating to education among the Five Civilized Tribes and the Indians of New York are not included in the above table. Of the 294 schools conducted under various auspices, 243 are exclusively under the control of the Indian Department, an increase of 1 in the number of Government schools. Reservation school plants at Fort Berthold, N. Dak., and Winnebago, Nebr., having been destroyed by fire, these schools were discontinued, while new ones at Cantonment on the Cheyenne and Arapahoe Reservation, Okla., and near Toledo, Iowa, for the Sac and Fox Indians of that State, were established. The school at Zuni Pueblo, N. Mex., was changed from a day to a boarding school. The following day schools were discontinued: Gull Lake, on White Earth Reservation, Minn.; No. 4, on Fort Berthold Reservation, N. Dak.; one on Rosebud Reservation, S. Dak.; Nett Lake, on La Pointe Reservation, Wis.; Nos. 3 and 5, on Oneida Reservation, Wis., and the Zuni, N. Mex., above referred to. Seven new schools of this class were established at Baird, Cal.; Blue Canyon, Ariz.; Fall River Mills, Cal.; Tulalip Agency, Wash., and Pecuris, Nambe, and Pajare, under Pueblo and Jicarilla Agency, N. Mex. As the Lac Court d'Oreilles Day School was conducted for nine months during the fiscal year 1898 as a contract school, it was classed in this list, but as it is now entirely under Government control it is eliminated as a contract school, which, with the discontinuance of the contract

with St. Benedict Academy on Sac and Fox Reservation, Okla., reduces the number of such schools to 32, as against 34 last year. Old Fort Spokane, on the Colville Reservation, Wash., has been turned over by the War Department for Indian school purposes, and a school for 150 pupils will be organized there about the 1st of November.

Owing to the destruction of two school plants and a series of epidemics of measles, smallpox, and whooping cough the reservation schools have not maintained their usual ratio of increase. At several of these schools, from these causes, there was a very small attendance, or none at all, during the first quarters of the fiscal year. The close of the same, however, witnessed a material increase, which almost overcame the earlier losses.

As suggested in the preceding Annual Report stronger measures for enforcing attendance upon the various schools should be adopted. Reports indicate that the children are easily awakened to a desire for educational advancement, but too frequently the opposition of an aged grandmother or grandfather or other relative will prevail, and the children will be allowed to grow up in ignorance. There should be enacted a law which would compel such parents to give their children the advantages presented by the Government for their own good. However, as the schools are extended this difficulty grows less, and in time drastic measures would only be required in exceptional cases.

#### SUMMARY OF SCHOOLS AND ATTENDANCE.

The following table exhibits the uniform and steady increase of the attendance upon Indian schools during the past twenty-three years:

TABLE 11.—*Number of Indian schools and average attendance from 1877 to 1899.*<sup>1</sup>

Year.	Boarding schools.		Day schools. <sup>2</sup>		Totals.	
	Number.	Average attendance.	Number.	Average attendance.	Number.	Average attendance.
1877.....	48		102		150	3,506
1878.....	49		119		168	4,142
1879.....	52		107		159	4,448
1880.....	60		109		169	4,851
1881.....	68		106		174	4,876
1882.....	71	3,077	76	1,637	147	4,714
1883.....	80	3,793	88	1,893	168	5,686
1884.....	87	4,723	98	2,237	185	6,960
1885.....	114	6,201	86	1,942	200	8,143
1886.....	115	7,260	99	2,370	214	9,630
1887.....	117	8,020	110	2,500	227	10,520
1888.....	126	8,705	107	2,715	233	11,420
1889.....	136	9,146	103	2,406	239	11,553
1890.....	140	9,865	106	2,367	246	12,232
1891.....	146	11,425	110	2,163	256	13,588
1892.....	149	12,422	126	2,745	275	15,167
1893.....	156	13,635	119	2,608	275	16,303
1894.....	157	14,457	115	2,039	272	17,220
1895.....	157	15,061	125	3,127	282	18,188
1896.....	156	15,683	140	3,579	296	19,263
1897.....	145	15,026	143	3,650	288	18,676
1898.....	148	16,112	149	3,536	297	19,648
1899.....	147	16,891	147	3,631	296	20,522

<sup>1</sup>Some of the figures in this table as printed prior to 1896 were taken from reports of the Superintendent of Indian Schools. As revised, they are all taken from the reports of the Commissioner of Indian Affairs. Prior to 1882 the figures include the New York schools.  
<sup>2</sup>Indian children attending public schools are included in the average attendance, but the schools are not included in the number of schools.

This table is instructive by presenting in tabulated form the progress of Indian education through nearly a quarter of a century. In 1877 there were 3,598 pupils (out of a population at that time of about 189,000 under the control of the Indian department) regularly attending the institutions established for their benefit. There are now, twenty-three years later, 20,522 boys and girls in attendance out of an enrollment of 25,202. The Indian population from which these are taken is 181,000. If the past quarter century has been thus productive in educating these young Indians, it may not be an optimistic view that the future will produce the same results under the present system. While the population has remained stationary there has been such a steady increase in the number being educated that there is warrant for the opinion the next quarter century will witness not a diminution of the "Indian population," but an extinguishment of "Indian tribes." In their stead, it is reasonable to presume, there will be a large increase in the loyal, truly American-born, educated citizens of Indian parentage, ready and willing to accept to the uttermost the privileges and all the grave responsibilities of American citizenship.

#### CHARACTER AND CONDITION OF SCHOOL PLANTS.

There are some who feel that because they themselves or their fathers attended a little district school built of logs in a rough, uncouth manner, and strong and sturdy men morally and intellectually were developed in such an institution, the same character of school should be established for the Indian. These persons forget that in a great majority of instances pupils in those days went from the walls of the log cabin to a comfortable fireside and only spent a brief number of hours at the school building. The Indian school is entirely different; it is a home for the pupil, and therefore an effort is made to make it present, as far as possible, the comforts of a well-ordered household, so that it may arouse a latent ambition to emulate that which it can be seen the white man obtains by thrift and energy. Unless the evidences of "something better" are placed before a man he will rarely ever wish to rise above the level on which he is placed.

In the development of the various buildings for boarding schools, extending over a period of years, much thought and study have been devoted to their arrangement so as to perfect them in convenience, sanitation, and adaptability to the peculiar conditions and requirements incident to the education of and caring for Indian children. Modern systems of heating, ventilating, plumbing, and lighting, in so far as these could be introduced with the often limited amount of funds available, have been installed in the new buildings and in many of an earlier construction. Where conditions permit, the heating is accomplished through the medium of steam or hot water plants, either from a central station or by individual or automatic boilers placed in the basements of the various buildings, and by the direct and direct-indirect

systems of radiation. Simple but effective ventilating systems have been introduced for dormitories, school, and other buildings, so planned as to provide at all times an adequate supply of fresh air per capita and the necessary changes per hour.

Electricity and gasoline gas are the two mediums which have been adopted for lighting school buildings, each of which is giving eminent satisfaction. The selection of the system used is determined by the cost of maintenance. The elimination of the dangerous and insecure coal-oil lamps has been made wherever possible, since it minimizes the danger from fire and allays the constant anxiety engendered by the perilous and menacing qualities of this illuminant.

The later dormitory buildings constructed for the Indian school service are of four different types, namely, the individual structure, containing complete equipments for the accommodation of one sex only; double structures for the two sexes, but so constructed that they are entirely separated; combination dormitories for the two sexes, together with a general dining room and kitchen; combination dormitories for the two sexes, together with a general dining room, kitchen, and school rooms. The first of these is the most desirable, since it affords a more effective separation of the sexes and lessens the liability to immorality and also the destruction of the whole plant by fire should such occur in any one building. The fourth type, virtually combining a whole school plant under one roof, not considering the danger of its complete annihilation in case of fire, is not well adapted to the larger schools for many practical considerations. Dormitory rooms are planned to allow from 400 to 500 cubic feet of air space per capita and from two to three changes thereof per hour. All woodwork pertaining to dormitories, wainscoting, etc., is omitted in these rooms, as it affords harboring and breeding places for vermin and disease germs.

The necessity for ready means of escape in case of fire has not been overlooked, simple and practical devices for the purpose having been provided. Standpipes connected with water systems placed at convenient points in the buildings and provided with valves and hose on each floor are introduced for extinguishing fires in their incipient stages.

School buildings are usually of the one-story type, as affording greater convenience than the two-story structures, and are also less productive of fatal results in case of panic from fire or other causes.

The proper introduction and distribution of light to schoolrooms receives careful consideration, that the eyesight of the pupils may not be impaired through faulty emplacement of windows. From two to four changes of air per hour are introduced in the schoolrooms.

General mess halls, combined with kitchens, bakeries, and at times laundries, afford the dining facilities for the whole school, and are usually one-story buildings.

Aside from the fact that it is essential to the discipline and proper instruction of the pupils, it is necessary that suitable provision should

be made for the employee force at the school, either in the main buildings or a separate one. These schools are also located at a greater or less distance from other habitations, and hence the employees are of necessity compelled to remain on the school grounds. Therefore proper quarters must be provided for them. It is customary in devising the later school plants to accommodate a limited number of employees in the dormitories, and also give a separate building for those whose duties are not immediately connected with the discipline and nightly care of the children. That the rooms of these employees should be comfortable and attractive as object lessons to the pupils goes without saying. It is considered a grave breach of good discipline for employees to keep their rooms in a disorderly condition, as such conduct can only raise doubts in the mind of the Indian pupil as to the efficiency of the white man's instruction. Experience has further demonstrated that the best results in working up an interest in the school are obtained where the employees are required to board in a school mess. Therefore such a building for the accommodation of the mess is required, the members of which employ their own cook and are compelled to furnish their own subsistence.

Adequate water and sewer systems are being introduced at all new school sites and at many of the older ones. Due consideration to fire protection is always given, and with this in view pipes of not less than 4-inch caliber are provided for all fire hydrants, the latter being of similar diameter. Steam and gasoline engines are also being substituted for the old-time windmill of uncertain energy. Tanks on steel towers, or reservoirs at proper heights, to supply the requisite head of water to throw a stream over the highest building on the site, form a part of all water systems. It is borne in mind that in case of a fire inadequate storage capacity of the tanks or of engines is worse than no protection at all, for the reason that the authorities, feeling that they have a system of fire protection, are not so vigilant in providing means for extinguishing the same.

Much difficulty is frequently encountered in the construction of sewers incident to the limited grade that is available between the site and outfall, chiefly attributable to the ineligibility of the site selected. This has naturally directed the attention of this office to the absolute necessity of securing technical knowledge in the location of the new school sites, and to that end at all such places the services of a civil engineer are secured to establish practical lines for both water and sewer systems by preliminary instrumental survey and at the same time prepare a topographical map of the proposed site, giving the elevation and contour.

Owing to the unavoidable delays incident to correspondence and other matters, considerable time was consumed between the completion of the plans and specifications and the advertising for the same. This has been the cause of grave embarrassment in a number of new



buildings specifically authorized by Congress. Where a given amount was appropriated for a building or buildings, it was deemed advisable to utilize the money available so as to give the largest capacity consistent therewith. The unprecedented rise in the price of material during the first half of the present calendar year has necessitated the redrawing and rearrangement of a number of buildings. As the plans and specifications prepared in this office cover structures of the plainest description, but substantial and devised to meet the requirements of the service in the simplest method known to structural science, such buildings when readvertised must be reduced in capacity. To cheapen these buildings it is often necessary to make them smaller, sometimes to the detriment and disadvantage of the service. The liberality of Congress in the matter of appropriations for these purposes, however, during the present fiscal year is so great that there will be a material improvement in the size and efficiency of many school plants. A similar liberality upon the part of Congress at its next session will enable this office to continue increasing the capacity and efficiency of the school service by furnishing adequate buildings where new ones are required, and remodeling others where they have become dilapidated or unfit through the lapse of time for the purposes for which they were intended.

#### FIRE PROTECTION.

The enforcement of office circular of last year requiring superintendents and agents to have properly prepared buckets of water well distributed throughout the buildings, has in a number of cases prevented the burning of plants and separate buildings. As rapidly as possible adequate fire protection is being introduced, as well as fire escapes from dormitories and other rooms. With all these precautions it has been impossible to prevent conflagrations, which occur at odd intervals throughout the year. During the present fiscal year the most disastrous fire of years occurred at Mount Pleasant, Mich. Early on the morning of June 14, 1899, the boys' dormitory was discovered on fire, the flames breaking out of the cupola. In a very short period of time the large brick structure costing \$28,000 was destroyed. The new water system had not been completed, but the progress of the flames was so rapid it would have been impossible under the most favorable circumstances to have saved the building. An Indian school girl was the incendiary. She confessed to having made ample preparations by placing oiled rags in one of the upper rooms and setting fire to them an hour or more before it was discovered. She has been sent to a reformatory institution. The school plant at Nevada Agency school was destroyed by fire on May 17, 1899. No adequate explanation of the origin of this fire could be obtained. Four buildings costing \$12,020 were burned. Minor fires have occurred at other places, but none of the magnitude of these.

It is evident that with the most careful oversight fires, either incendi-

ary or accidental, can not be avoided. This condition is due to the character of the plants and children who attend.

• Although the destruction to buildings has been great, as yet no lives have been lost. To guard against such a contingency, so far as adequate precautions are concerned, the following circular was issued on April 12, 1899:

*To Agents and Bonded Superintendents.*

SIR: Your attention is directed to paragraphs 210 and 211 of the Indian school rules relating to fire drills and the organization of fire brigades in the schools. This is a matter of great importance, and should be carefully looked into at each school you visit. All pupils from the smallest tot up to the largest should be taught how to march speedily, quietly, and with military precision out of their respective dormitories and rooms into the free air whenever the first signal calls them. They should be instructed to march out of the school at a given signal, first by being notified of it beforehand. When they are proficient enough to execute the drill properly, the signal should be given without immediate notice, and finally they should not be told on what day the signal will be sounded, but will be expected to march out of the building as quickly as possible, and in the proper military order, at a moment's notice. The drill should be a regular feature of school life at least once a week, or oftener, if possible.

The great importance of this subject can not be overestimated, in view of the frequency with which fires occur at Indian schools, and their usually isolated locations. No one can predict what calamity might not some day be avoided if pupils are properly trained in this drill. Fires in crowded buildings are dreaded as much by reason of the crush, excitement, and danger incident to the scare as the fire itself. Under such conditions persons may be maimed or killed, when in reality there was no actual danger from the fire. Halls, dormitories, and other rooms can be more quickly and expeditiously cleared when each one knows his place, when and where to move, as is taught in thorough fire drills, for the reason that action in the child from frequency of exercise becomes almost automatic, and each from force of habit takes without excitement, hurry, or confusion, the place previously assigned. Even should neither fire nor scare ever occur, these systematic drills are exceedingly valuable in giving the children the moral qualities of self-control, precision, and obedience to the orders of a superior.

You will appreciate the absolute necessity for throwing every safeguard around the Indian children committed to your care.

The material protection of Government property is not so important as the preservation of the lives of these little ones.

Very respectfully,

W. A. JONES, *Commissioner.*

#### FEDERAL COURT DECISION AS TO RUNAWAY PUPILS.

Martin St. Germain, a Chippewa Indian boy, ran away from the Lac du Flambeau Boarding School, Wisconsin, on August 15, 1897. Prior to that time he had for several years been in attendance upon this school. On September 15, 1897, Reuben Perry, superintendent, and Norbert Sero, disciplinarian, pursued and arrested St. Germain and attempted to return him to the reservation and school. While in the discharge of their duty, the sheriff of Oneida County, Wis., arrested and imprisoned them upon the charge of kidnaping. A writ of habeas corpus was sued out, and on January 19, 1899, came up for trial before the Hon. R. Bunn, United States district judge for the district court of the United

States for the western district of Wisconsin. The court in rendering the decision finds that Perry and Sero, at the time of their arrest and detention, were duly appointed and acting officers of the United States; that the school aforesaid is a boarding school established and maintained by the United States of America upon the Lac du Flambeau Indian Reservation of the Chippewa tribe of Indians for the education and training of Indian children under the age of 21 years; that by the rules of the Commissioner of Indian Affairs and the Secretary of the Interior, duly made, adopted, and promulgated, all pupils enrolled in said school were and are considered members thereof until separated therefrom by authority, and were required to be kept at the school until the course of study was completed or they were benefited thereby; that it was further provided by the rules that in case a pupil enrolled at the agency in which this school was located should leave the school without permission, the officials thereof were directed to arrest and return such pupil under the orders of the agent of the reservation; that in the arrest of St. Germain these school officials acted in their capacity of officers of the United States in the lawful discharge of their duties, therefore the court held "that the detention and imprisonment of said Reuben Perry and Norbert Sero, as aforesaid, is illegal," and "were not then and there guilty of kidnaping or any other crime or offense known to the law; and that the imprisonment under said warrant by the sheriff of Oneida County, as aforesaid, is a violation of the laws and Constitution of the United States." The proper order "that said petitioners are unlawfully restrained of their liberty" was issued.

#### INDIAN SCHOOL SERVICE INSTITUTE.

Under the immediate supervision of the Superintendent of Indian Schools, the Summer Indian School Service Institute was held at Los Angeles, Cal., for two weeks, beginning July 10, 1899. The institute was devoted mainly to practical work, round-table discussions, and in attending from July 11 to 14 the meetings of the National Educational Association. The date for holding this institute was fixed with reference to that of the above association, so that Indian workers could have the benefit of the labors of those who have charge of the public and private school work of the country. The meeting was a most successful and interesting one. While attendance upon the institute is not compulsory, yet it is desirable that Indian workers should be brought together in conference, where the multitude of details connected with the service may be discussed and explained. The courses of instruction were valuable in that they bore directly upon their labors. Contributions of work, educational and industrial, from the various Indian schools formed a most interesting material exhibit of the methods of each school and the progress attained by the pupils. The interchange of ideas and designs presented by this display of handiwork will be of great benefit to those engaged in training the minds and hands

of Indian pupils. The attendance at Los Angeles was large and enthusiastic, and the institute will prove beneficial to all. A full report of the institute will accompany the annual report of the Superintendent of Indian Schools and be found on page — of this report.

#### EMPLOYEES.

There are employed in the Indian-school service in various capacities 2,562 persons. Of these there are 99 superintendents, 41 clerks and assistant superintendents, 22 physicians, 17 disciplinarians, 475 teachers, 51 kindergartners, 10 manual-training teachers, 105 matrons, 165 assistant matrons and nurses, 168 seamstresses, 159 laundresses, 205 cooks and bakers, 72 farmers, 55 blacksmiths and carpenters, 112 industrial teachers, 73 tailors and shoemakers, 39 engineers, 157 miscellaneous employees, such as gardeners, dairymen, laborers, night watchman, etc., and 537 Indian assistants in various capacities. It is the policy of this office to employ Indians as far as possible in those positions to which they are adapted by nature and education. In pursuance of this policy there were carried on the school rolls 1,160 Indians. There are 9 Indian clerks, 11 disciplinarians, 78 teachers, 2 kindergartners, 4 matrons, 80 assistant matrons and nurses, 65 seamstresses, 93 laundresses, 102 cooks and bakers, 27 farmers, 10 blacksmiths and carpenters, 44 industrial teachers, 37 tailors and shoemakers, 20 engineers, 41 miscellaneous employees, and the 537 Indian assistants above mentioned.

This may appear to be a large force for the education of the Indian youth, but it should be borne in mind Indian schools are different from the ordinary public or private white schools. At such schools a few hours each day for only five days in the week are required of teachers, while in nearly all Indian schools the terms are practically twelve months. These instructors are confined for long hours each day, with little opportunity for recreation or social pleasure. Their labors do not begin and end at stipulated hours, but they may be, and are, often called upon to perform any service rendered necessary by an emergency. These services are usually performed willingly and cheerfully. The Indian school is the Indian's home, and the success of the present educational policy is largely due to the earnest and faithful cooperation of these patient workers in this great field. Their missionary spirit is displayed in a quiet and earnest manner, which will produce results of lasting good.

Although sectarian teaching is forbidden in the schools, they are not godless institutions. The broad principles of the Bible, of religion, and morality are taught, and, so far as it is possible, only strong religious characters are placed in charge of the children. The petty distinctions of creeds are ignored, but all employees are required to lay such a foundation in the hearts and minds of their pupils that the great religious bodies of our country may hereafter build upon it a vigorous and endur-

ing Christian character. The policy of the Indian Office on this subject is that outlined in reference to white schools by General Grant, which is, "to afford every child growing up in the land the opportunity of a good common-school education, unmix'd with sectarian, pagan, or atheistical tenets;" to instill into the hearts and consciences of its Indian wards religious sentiments, which will tend to the social betterment of their race; to raise the status of their people; to elevate their moral and intellectual standard, and awaken them to a higher, a better, and a manlier life, to one of upward progress in the development of their self respect and self-reliance, so that they may attain their proper place in this modern Christian nation.

#### MISCELLANEOUS MATTERS.

With the exception of a few points where there are at present little or no facilities for the Government education of the Indians, the work of the office has been in the line of increasing the facilities at the schools already established. The estimated value of nonreservation school plants is \$1,566,884, and reservation plants \$1,995,876, a total of \$3,562,760. The value of this property is so large that it will be readily seen the cost of repairs is a most important item.

The Vermilion Lake School, Minnesota, and the Fort Berthold School, North Dakota (two large new plants), will be opened this fall. Substantial improvements at Riverside, Fort Sill, and Rainy Mountain, on Kiowa, etc., Reservation, Okla.; Fort Peck, Mont.; Morris, Minn.; Flandreau, S. Dak.; Pipestone, Minn.; Fort Mojave, Ariz.; Colorado River, Ariz., and Salem, Oreg., together with a great number of smaller buildings at different plants, will materially increase the capacities during the ensuing fiscal year.

The new school plant for San Carlos, Ariz., will be completed early next year and will afford much-needed advantages to these Indians.

Owing to the limited amounts appropriated for the schools at Red Lake and Leech Lake, Minn., and the great number to be accommodated, difficulty has been experienced in preparing plans. The buildings at Leech Lake were advertised, but the unprecedented rise in materials was such that the lowest bids exceeded the amount available. These plans have been redrawn and will be advertised at an early date. The necessity for additional facilities for the Chippewas requires the erection of these plants, although it appears reasonably certain they will not be adequate for their necessities. They can, however, be increased at a later date.

The only large reservations on which no Government schools are located are Flathead, Mont., and Southern Ute, Colo. Efforts are being made to induce the latter to accept Fort Lewis as their reservation school and to give them other facilities. Arrangements are being perfected to place a large boarding school on the Flathead Reservation during the next year.

The agency school plant on the Blackfeet Reservation, Mont., is old, dilapidated, and not adapted to its purposes. The location was an unfortunate selection, and it must be moved to one which is suitable. Plans have been perfected, therefore, for that purpose, so that at an early date a new school will be desirably located and erected.

New schools for the Jicarilla Apaches in New Mexico and the Shebits, with allied tribes, in Utah, will be constructed as promptly as possible. Pending the final consideration of the agreement made by United States Indian Inspector James McLaughlin with the Northern Cheyenne Indians of Tongue River Reservation, Mont., nothing can be done looking to the erection of a boarding school, as recommended in the inspector's report.

The proposed dormitories, sewer and water systems for largely increasing the efficiency of the plants at Pima and Navajo reservations will be soon readvertised, which when finished will give increased facilities where they are demanded.

The Moqui Training School at Keams Canyon, Ariz., is a most efficient civilizer for these ancient peoples. A recent flood has so undermined several buildings that a new location is required. Plans for this improvement are in course of preparation, which will afford accommodations for a large proportion of the children of this reservation.

United States Indian Inspector Andrew J. Duncan made during the winter a thorough and exhaustive investigation of the condition of the Seminole Indians in the State of Florida. He was with them for a considerable time, and finally came to the conclusion that the efforts of the office were proving entirely abortive. He therefore recommended the abolishment of the positions of industrial teacher and other employees, which were created for these Indians, and suggested that no further steps be taken for the present to establish a school for them. In accordance with this report, these positions were discontinued. Efforts for the civilization of the Seminoles will not, however, be entirely abandoned, but other means must be employed. These people are fine types of the Indian, but their real and fancied wrongs have so embittered them against governmental assistance that the inspector thinks a different course must be taken in dealing with them.

As stated in the Annual Report for the Indian Department for 1898, the conditions surrounding the Perris School demand its abandonment. These conditions have become worse, as an almost total failure of water is reported. The beautiful valley in which it is located will, in consequence, become again a desert. An adequate appropriation will be recommended to Congress for its removal and erection in a more suitable locality. This school is a necessity for the Indians of southern California, and the Mission Indians alone can fill a school of more than 200 capacity.

## SCHOOL APPROPRIATION.

The following table shows the amounts appropriated for Indian school purposes through a series of years:

TABLE 12.—*Annual appropriations made by the Government since the fiscal year 1877 for the support of the Indian schools.*

Year.	Appropriation.	Per cent increase.	Year.	Appropriation.	Per cent increase.
1877 .....	\$20,000		1889 .....	\$1,348,015	14
1878 .....	30,000	50	1890 .....	1,364,568	1
1879 .....	60,000	100	1891 .....	1,842,770	35
1880 .....	75,000	25	1892 .....	2,291,650	24
1881 .....	75,000		1893 .....	2,315,612	1.04
1882 .....	135,000	80	1894 .....	2,243,497	13.5
1883 .....	487,200	260	1895 .....	2,060,695	8.87
1884 .....	675,200	38	1896 .....	2,056,515	1.2
1885 .....	992,600	47	1897 .....	2,517,265	22.45
1886 .....	1,100,065	10	1898 .....	2,631,771	4.54
1887 .....	1,211,415	10	1899 .....	2,638,390	.0025
1888 .....	1,179,916	12.6	1900 .....	2,936,080	11.3

<sup>1</sup> Decrease.

## COMMISSIONS.

**Crow, Flathead, etc., Commission.**—As indicated in my last annual report, provision was made by Congress for the continuation of this commission until April 1, 1899, on which date it was to make its final report to the Secretary of the Interior and the commission was to cease. However, Congress provided for the continuation of the commission another year by the following item in the deficiency appropriation act approved March 3, 1899 (30 Stats., p. 1235):

For continuing the work of the commission under the act of Congress approved June tenth, eighteen hundred and ninety-six, to negotiate with the Crow, Flathead, and other Indians, fourteen thousand five hundred dollars, the same to be available for the payment of salary and proper expenses of said commission from and after the date when the appropriation of fifteen thousand dollars made by the act of July first, eighteen hundred and ninety-eight, was exhausted, and the said commission shall continue its work until, and make its final report thereon to the Secretary of the Interior on, the first day of April, nineteen hundred, and upon that date the commission shall cease.

The commission has divided its time during the past twelve months between the Crow and Flathead reservations in Montana and the Yakima Reservation in Washington, endeavoring to secure agreements with the Indians thereof for the cession of portions of their respective reserves. Negotiations with the Indians of the Flathead and Yakima reservations have not yet been successful.

An agreement was concluded on August 14, 1899, with the Indians of the Crow Reservation by the terms of which they cede to the United States the northern portion of their reserve, estimated to contain 1,137,500 acres, for which \$1,150,000 is to be paid, or about \$1.03 per acre. Of the tract ceded the commission says 21,000 acres should be deducted to cover railroad rights of way and present allotments, thus

leaving the net acreage ceded 1,116,500. Of the latter area 200,000 acres, lying along the Big Horn and Yellowstone rivers, are said to be susceptible of irrigation, the balance being excellent grazing land and containing some timber.

The agreement provides for the use of about one-half the purchase money for the completion and maintenance of the irrigation system; for the purchase of stock cattle and sheep; for a hospital and its maintenance; for schools; for fencing the reservation; for mills, etc. The balance of the principal sum is to be placed in the Treasury of the United States as a trust fund, the same to bear interest at the rate of 4 per cent per annum, such interest to be added to the principal each year. A cash annuity payment of \$12 per capita is to be made to all the Indians having rights on the reservation.

The agreement must, of course, be ratified and confirmed by Congress before it becomes effective.

As stated in my last report, this commission, which has been in the field continuously since its appointment, August 31, 1896, concluded two agreements last year—one with the Indians of the Fort Hall Reservation, Idaho, dated February 5, 1898, providing for a cession of a portion of their reservation to the United States, and one with the Indians of the Uintah Reservation in Utah, dated January 8, 1898, providing for the cession of lands for allotments to the Uncompahgre Utes. Both of these agreements were transmitted to Congress, with recommendation for favorable action, but neither of them has yet been ratified. (See Senate Doc. No. 169, Fifty-fifth Congress, first session, for Fort Hall agreement, and Senate Doc. No. 80, Fifty-fifth Congress, second session, for Uintah agreement.)

Appropriations for the payment of salary and expenses of this commission and provision for its appointment and continuance have been made by Congress as follows: Indian appropriation act approved June 10, 1896 (29 Stats., p. 341), \$10,000; Indian appropriation act approved June 7, 1897 (30 Stats., p. 86), \$10,000; Indian appropriation act approved July 1, 1898 (30 Stats., p. 592), \$15,000; deficiency appropriation act approved March 3, 1899 (30 Stats., p. 1235), \$14,500. Total amount appropriated for the commission, \$49,500.

Of the last appropriation of \$14,500, a balance of about \$6,500 remained July 1. It is estimated that this amount will be exhausted about December 1 next, although the act itself says the commission shall continue until April 1, 1900. This would require a deficiency appropriation of at least \$5,500, making a total for this commission of \$55,000.

The personnel of the commission remains unchanged, the same being composed of Messrs. Benjamin F. Barge, chairman and disbursing officer, Charles G. Hoyt, and Jas. H. McNeely.

**Chippewa Commission.**—In previous annual reports may be found statements of the progress of the work of the Chippewa Commission.



During the past year the work of allotting lands to the Indians on the White Earth Reservation has continued. A few Indians from other reservations have been removed to the White Earth Reservation, and provision has been made for them by building them houses, furnishing subsistence, etc.

The expenditures made by the commission from September 1, 1898, to September 1, 1899, are as follows:

For salary, with all traveling expenses and board, of 1 commissioner .....	\$4, 745.00
For salaries of regular employees—1 clerk and allotting agent, 1 teamster, 1 tinsmith.....	1, 980.00
For salary of 1 removal and allotting agent, clerk, and interpreter when not otherwise engaged, irregularly engaged when required .....	750.00
For salary of a surveyor when required.....	450.00
For salary of 1 scaler, as required.....	285.00
For salaries of irregular employees, miscellaneous.....	75.00
For rent of office and warehouse at White Earth.....	152.00
For house building for removals, including hauling of lumber and hewing of logs, etc.....	1, 233.00
For salaries of assistant removal agents, with reimbursement of traveling expenses .....	364.85
For subsistence supplies for removals.....	787.45
For hardware for issue to removals.....	88.45
For tinware used by tinsmith for benefit of removals .....	48.77
For work oxen and cows issued to removals .....	625.00
For feed of commission's team, repairs, etc., including purchase of a light spring wagon, also fuel and light during the year .....	273.88
For printing of official headings by Department .....	11.00
For expense of removing Indians, such as transportation, board and lodging, and miscellaneous expenses.....	268.15
For transportation of removals, agents, assistants, and Indians visiting or removing to White Earth, on the various lines of railroads.....	502.82
<b>Total expenditures by the Chippewa Commission for all purposes.....</b>	<b>12, 640.37</b>

During the same period the commission made allotments on the White Earth Reservation as follows:

White Earth Mississippi Chippewas .....	65
Gull Lake Mississippi Chippewas .....	7
Mille Lac Mississippi Chippewas .....	37
Leech Lake Pillager Chippewas .....	22
Otter Tail Pillager Chippewas.....	24
Pembina Chippewas .....	1
White Oak Point Mississippi Chippewas.....	10
Fond-du-Lac Chippewas .....	4
Bois Fort Chippewas.....	5
<b>Total allotments .....</b>	<b>175</b>

Other work accomplished by the commission is as follows: Changes in allotments on the White Earth Reservation, 74; number of Indians

removed to the White Earth Reservation, 58; number of houses erected for removal Indians, at a cost of \$85 each, 10, with 5 others in course of construction.

August 17, 1899, the Department directed that the work of the Chipewa Commission be closed within sixty days after notice. September 12 the office notified Commissioner Hall to close the work within the time named, and September 19 he acknowledged receipt of notice.

**Five Civilized Tribes Commission.**—The personnel of the commission remains unchanged. Its work under the heading "Dawes Commission" is referred to in discussing Indian Territory affairs on page 120.

**Puyallup Commission.**—The Indian appropriation act approved March 1, 1899 (30 Stats., 940), contains the following clause relative to the Puyallup Commission:

For compensation of the commissioner authorized by the Indian appropriation act approved June 7, 1897, to superintend the sale of land, and so forth, of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars.

It will be observed that this provides for continuing the sales of the Puyallup lands for the present fiscal year. This work was continued during the last fiscal year under a similar provision in the Indian appropriation act of July 1, 1898 (30 Stats., 571). Clinton A. Snowden, who was appointed commissioner June 22, 1897, is still in charge of the work.

The Puyallup Indian Reservation consists of allotted lands and an agency tract.

The allotted lands cover 17,500 acres. The Indian allottees had consented (up to August 26, 1899) to the sale of 8,732.24 acres, at a total appraised value of \$374,460.58. Up to June 30, 1899, there had been sold and reported to this office by the Puyallup Commission 1,884.58 acres for \$98,859.51. Of this sum \$36,364 was paid in cash at the time of purchase, the balance being payable on time, usually five equal annual payments, bearing interest at 6 per cent per annum. Deferred payments to the amount of \$27,371.82 have been made. The money as collected, whether cash down or deferred payments, is paid to the allottees entitled to the same, less 10 per cent for expenses of sale (not including the salary of the commission).

The agency tract as originally surveyed contained 598.80 acres. The Indians consented to the sale of this tract, except a certain quantity reserved for school, farm, garden, and church and cemetery purposes. The tract not reserved was surveyed and platted into lots and blocks, as an addition to the city of Tacoma. There were reserved for school, farm, and garden, 62.12 acres; for church and cemetery purposes, 19.43 acres; for railroads, streets, and alleys, as per plat, 164.75 acres; for the Tacoma Land Company, as per prior deed, 14.10 acres. There were platted into lots and blocks for sale 338.40 acres.

The total appraised value of the lots and blocks for sale is \$206,950.

There have been sold from the same, as reported by the Puyallup commission up to June 30, 1899, lots and blocks to the amount of \$45,033.50, of which sum \$17,272.09 was paid in cash at the time of the purchase, the balance being usually on five-year payments, with interest at 6 per cent per annum. Deferred payments have been made to the amount of \$18,026.73. The money arising from the sale of the agency tract lots is deposited in the Treasury of the United States, and is used, under the Puyallup act of March 3, 1893, in defraying the expense of sale other than the salary of the commission.

Total amount received from sales of allotted lands.....	\$63, 735. 82
Total amount received from sale of agency tract lots .....	35, 298. 82
Grand total received .....	99, 034. 64

### SALE OF LIQUOR TO INDIANS.

Since the passage of the act of January 30, 1897, prohibiting the sale of intoxicants to Indians, the office has been able to cope in a larger degree with illicit whisky sellers, and, where it has been possible to obtain evidence against offenders, the traffic, so far as outward appearances indicate, has been decidedly interfered with.

During the past year many prosecutions have been instituted and numerous convictions had. May 3, 1899, the United States Indian Agent at the Colville Agency, Wash., reported that seventeen white persons and two Indians were convicted at the April term of the United States circuit court, convened at Spokane, Wash., and were sentenced to serve terms of from two to eight months in the penitentiary and to pay a fine of \$100 each and costs of trial. Patrick Martineau was convicted and sentenced for giving whisky to pupils of the Indian school at Chamberlain, S. Dak.; Andrew Wilson was indicted for selling liquor to Indians of the Mescalero Agency, N. Mex., and Barney Eckstein and Albert Davis were convicted for liquor selling to Indians of the Uintah Agency.

Special Agent R. J. W. Brewster, of the Department of Justice, has conducted several investigations, notably among the Seminoles in Florida and the Chippewas of the Leech Lake Agency, Minn. Complaints from other quarters have been received and are being carefully inquired into, with the view of apprehending and punishing the guilty parties.

### ADMINISTRATORS AND GUARDIANS FOR CITIZEN INDIANS.

The generally irresponsible character of administrators and guardians and their sureties, appointed or approved for citizen Indians by local courts under the methods now in vogue, has frequently been brought to the attention of this office. The subject was fully discussed in office report to the Department dated June 26, 1899, and in compli-

ance with instructions contained in Department reply dated July 3, this office sent to all Indian agents and school superintendents having citizen Indians under their jurisdiction the following letter of instructions dated August 30, 1899:

The attention of this office has, at various times, been called to the unsatisfactory manner in which the personal estates of deceased Indians and of minor Indian wards are managed; it being reported that in many cases the administrators and guardians are irresponsible and their sureties worthless, so that the proper heirs and the Indian wards get very little or no benefit from what is rightfully due them. Section 6 of the general allotment act of February 8, 1887 (24 Stats., p. 388), provides that all Indians who have received allotments are entitled to the rights of citizenship, and shall have the benefit of and be subject to the laws of the State or Territory in which they reside. By virtue of this law the personal estates of deceased Indians and Indian wards are under the control of the county or probate judges, who appoint the administrators and guardians and pass upon their acts as such.

After considering various plans for the correction of the abuses referred to, it has been concluded that the cooperation of the courts of the counties in which such citizen Indians reside, in the appointment of guardians and administrators and in the administration of estates, etc., should be secured. The Acting Secretary of the Interior has directed this office to give you proper instructions to that end.

I have, therefore, to direct that you arrange for a conference with the county or probate judge at your earliest convenience, explain to him fully the situation and the wishes of this Department, and, if possible, effect an arrangement with him whereby in the future only such administrators and guardians as first meet with your approval, and whom you adjudge to be proper and fit persons for such trusts, shall be appointed. You will also endeavor to secure the concurrence of the judge to a plan requiring you to first examine and approve all the accounts and other papers of administrators and guardians before they are filed with the court and approved by it.

With such plans harmoniously arranged and faithfully carried out, and with the appointment in the future of proper and responsible persons only, with good sureties, the evil now complained of should be reduced to a minimum. As the arrangements suggested will materially aid the courts in securing the honest and impartial administration of estates—a thing to be desired alike by the Government and the local authorities—I am sure the county judge will gladly cooperate with you in arranging and carrying out the plans suggested. You will make every proper endeavor to have the same effected.

I have also to direct that you examine the records of the county court and ascertain the names of all persons who are now acting as administrators and guardians, whether Indian or white, who their sureties are, and then proceed to investigate the character and responsibility of all the parties. Should you find that any changes are desirable in these positions of trust, you will present the matter fully to the court and endeavor to have them effected.

All annuity moneys are under the absolute control of this Department. If irresponsible or improper persons be appointed by the local courts as guardians for Indian minors, and a change in such guardianship can not be effected, you will withhold the payment of annuities in such cases and the same should be returned to the Treasury and held, subject to future disposition for the benefit of the annuitant under the direction of this office.

As affecting the good of the Indian service and the interests of individual Indians, this entire subject is one of the most important coming under your jurisdiction as an agent. You will give the same your personal attention and put forth every effort in your power to secure an improvement in the administration of Indian estates and the suppression of the abuses now so frequently complained of.

## EXHIBITION OF INDIANS.

The Department has granted authority during the past year for the taking of Indians from their reservations for exhibition or show purposes as follows:

January 4, 1899, to Messrs. Cody ("Buffalo Bill") & Salisbury to take 100 Indians from the Pine Ridge and Rosebud reservations, S. Dak., for general show and exhibition purposes during the season of 1899. A bond in the sum of \$10,000 was given by this firm.

August 23, 1898, to Mr. Lansing Warren, of the Chicago Inter-Ocean, for about 30 Indians from the La Pointe Agency, Wis., to play an exhibition game of lacrosse at the Inter-Ocean's Carnival of Sport, held at Chicago September 5, 1898, for the benefit of the volunteer soldiers and sailors of Illinois. No bond was exacted in this case, and Mr. Warren agreed that the Government should be at no expense whatever, and that he would protect the Indians from immoral influences, etc., while absent from their reservation and promptly return them to their homes at the expiration of the celebration.

August 31, 1898, to Mr. E. E. Brown, secretary Oklahoma City Fair Association, to take a "reasonable number" of Indians from the agencies in Oklahoma Territory for the purpose of showing at the Agricultural and Horticultural Fair, held at Oklahoma City October 10-15, 1898, the progress of Indians in civilization. No bond was required in this case, as the authorities of the fair paid all expenses and took precautions to protect the Indians in every way.

October 1, 1898, to the United States Indian agent of the Pueblo and Jicarilla Agency, N. Mex., to send 50 Jicarilla Apaches and 40 Utes to the Denver (Colorado) Carnival, held in October, 1898. No bond was required. The agent reported that the carnival authorities paid the Indians \$5 per capita, transported them comfortably, gave them suitable food and care, and paid all incidental expenses, and that the Indians were much pleased with their trip, which greatly benefited them.

April 10, 1899, in a report requested by the Department, the office stated that it saw no objection to granting permission to Mr. E. O. Waters, president of the Yellowstone Lake Boat Company, Yellowstone National Park, Wyoming, to locate one or two tepees or wigwams of Indians on Dot Island, in the Yellowstone Lake, from June 15 to September 15, in order that tourists might be able to see Indians in their native surroundings; always provided, however, that the Indians should be entirely willing to go and the company should make satisfactory arrangements, to be approved by Captain Wilder, for the proper care, support, salary, and payment of necessary traveling expenses of the Indians taken and for returning them promptly to their homes at the close of the season.

April 8, 1899, Mr. Guy W. Green, of Lincoln, Nebr., requested permission to take from the Ponca Agency, Okla., three Indian baseball

players and to retain them through the ball-playing season, or about five months, and stated that he would pay them fair salaries, give them proper care in the way of food, clothing, medical attendance, etc., and protection from immoral and other pernicious influences, and return them to their homes at the end of the season. He was advised that if the Indians desired to leave their homes as individuals, and he would, in addition to making satisfactory arrangements with them, deposit with their agent a sum sufficient to cover the risk taken, the office would interpose no objection; but it must be with the distinct understanding on the part of the Indians that they go entirely on their own responsibility, assume all consequences, and receive no help or aid whatever from this office should they become stranded on the road or get into any other trouble.

In accordance with verbal instructions from the Department, this office prepared a letter, June 10, 1899, to the president of the Greater America Exposition, which is being held at Omaha, Nebr., during the present summer, setting forth, in compliance with his request, the terms and conditions upon which Indians might be obtained for attendance at the exposition.

These conditions were in substance as follows: The exposition company must deposit in a United States depository a sum equal to \$50 per capita for each Indian desired, as a guaranty for their transportation to and from Omaha, their proper care and subsistence while in transit and while in camp in Omaha, including medical attendance, camp equipage, bedding, and other things necessary for their comfort. The company must agree that the Indian camp shall be kept in a good sanitary condition and every precaution taken to preserve the health of the Indians. The ghost dance, sun dance, scalp dance, war dance, and other so-called "feasts" of a similar nature interdicted by the rules of this office must be prohibited.

This letter, approved by the Department on June 10, was indorsed June 21 by the president and secretary of the exposition company and returned June 23 to this office, accompanied by a certificate of deposit for \$5,000 on the Merchants' National Bank of Omaha. That amount entitled the exposition company to the attendance of 100 Indians. Seventy-five Indians, in accordance with telegraphic instructions from this office to the acting agent, were obtained from the Pine Ridge Reservation, S. Dak.

Supt. S. M. McCowan was granted leave of absence without pay and allowed to make arrangements with the exposition company for procuring Indians and looking after them while at the exposition. July 31 he reported that there were then on the exposition grounds, in addition to the Indians from the Pine Ridge Agency, 28 Indians, representing various tribes from the southwest.

July 8, 1899, upon the solicitation of Hon. Francis E. Warren, United States Senate, permission was granted Mr. R. W. Breckons, secretary of the executive committee in charge of the Annual Frontier Day Cele-

bration, to secure about 30 Indians from the Shoshone Agency, Wyo. to participate in the celebration to be held in Cheyenne, Wyo., August 23 and 24, 1899. In this case satisfactory arrangements were made by the authorities having the celebration in charge for the care, protection, and expenses of the Indians. In this, as well as in similar cases in which Indians have been permitted to attend industrial exhibitions and local celebrations, permission has been granted upon condition that the Government was to be at no expense whatever, and that the Indians could be spared from their homes without detriment to their interests.

As stated in previous reports, whenever engagements with Indians for general exhibition purposes are made, their employers are required to enter into written contracts with the individual Indians, obligating themselves to pay such Indians fair stipulated salaries for their services; to supply them with suitable food and clothing; to meet their traveling and needful incidental expenses, including medical attendance, etc., from the date of leaving their homes until their return thither; to protect them from immoral influences and surroundings; to employ a white man of good character to look after their welfare, and to return them to their reservation without cost to themselves within a certain specified time. They are also required to execute bond for the faithful fulfillment of such contracts.

June 20, 1899, the Secretary of State advised the Department that a dispatch had been received from John B. Jackson, secretary to the United States embassy at Berlin, asking instructions concerning a party of 13 Sioux from the Rosebud Agency, S. Dak., who were with a "Wild West" show in Germany, and likely to be abandoned there to their own resources. Mr. Jackson reported that he had been informed by United States Consul Pettit, of Dusseldorf, Germany, that the Indians were at Duisburg, where they were practically held as prisoners, were not properly provided for, and were without passports, and that he had advised the consul of Dusseldorf that American Indians, unless naturalized, could not receive passports, though they were entitled to some protection as citizens, being wards of the United States. Mr. Jackson stated further that he had learned that one Giles Pullman was in charge of the Indians, and had boasted of having smuggled them out of the United States, via Montreal, Canada, without giving bond for their good treatment or return to their homes, but claimed that he and another showman, William Casper (who has been in Germany for several years with sundry "Wild West" shows, most of which have turned out disastrously), were making comfortable provision for the Indians.

The office was aware from unofficial sources that a small party of Sioux had surreptitiously left the Rosebud Reservation and had been taken to Europe for show purposes by unknown and unauthorized persons. It could be under no obligations, save those of humanity, to pay

the expenses of returning these Indians to their homes, but that, of course, would be done should the Indians be left without protection, as was feared. Doubtless the persons who induced these wards of the Government to leave the agency and the country without the knowledge or consent of the Department were aware that other Indians stranded in Europe have been returned to their homes at Government expense, and on that account might not hesitate to abandon the Indians whenever they should cease to serve their purpose. Therefore the office reported to the Department June 23 that if the Indians became stranded and the United States ambassador at Berlin should advance the necessary traveling expenses for returning them to this country, he would be reimbursed therefor out of the Sioux fund. Such action was taken in 1894 through the United States ambassador at London in the case of four Winnebago Indians who were left helpless in London. Or the office suggested that the State Department might arrange with the United States consul nearest the Indians to defray the expenses of their return to this country, in which event this office would recommend that the State Department be reimbursed upon presentation of vouchers for the expenditure. This correspondence was referred to the State Department, which replied June 7, 1899, that the United States embassy at Berlin had been instructed to take charge of the Indians should they become stranded, and to send them to the United States and to draw on the Secretary of State for the amount of the expenses incurred.

Several applications for Indians for exhibition purposes have been received from county and State fair associations of Texas, but they have been refused for the reason that section 4 of the act of Congress approved May 11, 1880 (21 Stats., p. 133), provides as follows:

\* \* \* All officers of the Army and Indian Bureaus are prohibited, except in a case specially directed by the President, from granting permission in writing or otherwise to any Indian or Indians on any reservation to go into the State of Texas under any pretext whatever; and any officer or agent of the Army or Indian Bureau who shall violate this provision shall be dismissed from the public service. And the Secretary of the Interior is hereby directed and required to take at once such other reasonable measures as may be necessary in connection with said prohibition to prevent said Indians from entering said State.

Several other applications for authority to take Indians away from home to be exhibited have also been refused. Unless great care is exercised in granting such privileges the Indians are liable to suffer from neglect or bad treatment. In this connection I desire to quote a report from Lieut. Col. W. H. Clapp, United States Army, acting Indian agent of the Pine Ridge Agency, S. Dak., in regard to the demoralizing effect on Indians of promiscuous exhibitions and "Wild West" shows, which meets the hearty and unqualified approval of this office. This report was dated July 9 and was submitted to the Department July 13, 1899, and reads as follows:

I have the honor to request that the following may be brought to the attention of the honorable Secretary of the Interior, not as in any manner a criticism of action heretofore taken, but as being a statement of fact possibly useful when the subject



again comes before the Secretary for consideration. I refer to the increasing demand for Indians for show purposes.

Having been for some years at this agency, from which the Wild West show has recruited its Indians annually, I am in a position to judge of the effects of using them for exhibition purposes. It is claimed by those desiring to employ these Indians that the opportunities afforded them to see what white men have done and are doing, to realize the resources of the country, both in numbers and in wealth, would educate the Indian and deter him from outbreaks, and that seeing the manner in which the whites lived, would stimulate him to adopt civilized modes of living. To a limited extent this may have once been true, but is no longer so. Ten or more years of such going about in all the cities of this country and many of those in Europe, together with numerous visits of delegations to Washington, and constant intercourse with neighboring towns, leave little either of good or bad connected with the whites for the Indians (at least of this reservation) to learn. The argument has therefore lost any force it may once have had. In point of fact, Indians are not desired by the show people for any purpose but as an attraction, something to stimulate attendance and lure more half dollars into the treasury.

Now, people will not be curious to see civilized Indians—those whom, at great expense, the Government has educated and to some extent civilized. None such are wanted, but only those who are yet distinctively barbarous or who can pose as such. All others are unwelcome and are denied employment. The result is a premium upon barbarism. It is in effect saying to the Indian: "If you retain purely Indian customs—remain a savage, with all the gaud of feathers, naked bodies, hideous dancing, and other evidences of savagery—we want you; and should you have or can procure a dress trimmed with scalps, we want you very much and will pay you accordingly." The Indian is thus taught that savagery has a market value and is worth retaining. The boys in the day schools know it, and speak longingly of the time when they will no longer be required to attend school, but can let their hair grow long, dance Omaha, and go off with shows.

The influence of this sort of thing is far-reaching and seriously retards progress. In the interest of the Indians, whom we are striving to elevate, the Government should not longer permit these exhibitions of that which it is trying at so much expense to suppress.

These shows are not instructive or beneficial to the whites, conveying as they do wrong ideas and impressions regarding the Indians and leading many of them to think that all Indians are such as they see brought out at shows. Such exhibitions have no higher effect than ministering to a morbid curiosity unworthy of civilized human beings. People go to see naked painted Indians from quite the same motives as they do to see freaks—a two-headed girl or a six-legged calf; but I maintain that no good is subserved, whether the exhibition is labeled an "Indian Congress" or a "Wild West Show," but that, on the contrary, the result is harmful to both whites and Indians—to the latter because by such means their civilization is retarded and the efforts made for their advancement become a mockery. The pleadings of missionaries and the zeal of those engaged in teaching are alike futile among all those Indians who under Government sanction are taught that continued barbarism is perhaps after all the best thing for them.

Then also the moral effect upon those Indians who are taken to exhibitions, of whatever sort, is far from good. In the greed for patronage and gain all sorts of things are permitted and encouraged which ordinarily would be suppressed by the police. Not one of these expositions is now complete without its "midway," made up of scandalous and suggestively immoral shows for the most part and designedly pandering to the lowest passions. The moral atmosphere about these places is fetid and impure. Indians employed at them have much idle time and, like all others, are free to see all that is to be seen. It is folly to suppose that they do not take advantage of their opportunities. The season over, during which the car lines and the merchants have been enriched and the city boomed, poor Lo comes back to his

home with an intimate knowledge of the seamy side of white civilization, his desire for change and excitement intensified, his all too faint aspirations for the benefits of civilization checked, if not destroyed, and with a conviction that the boasted morality of the whites is nothing to be proud of or to copy. The agency physician states that nearly all of the unnamable diseases now occurring on this reservation are traceable to those Indians who have returned from shows and expositions.

## ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual report is as follows:

### ON RESERVATIONS.

During the year patents have been issued and delivered to the following Indians:

Sioux of the Devils Lake Reservation, N. Dak .....	260
Round Valley Reservation, Cal .....	18
Hoopa Valley (addition), Cal.....	474
Southern Ute, Colo.....	360

The issuance of patents to the Rosebud Sioux has been suspended until the requirements of the agreement concluded with these Indians March 10, 1898, referred to below, can be complied with.

Allotments have been approved by this office and the Department as follows:

Chippewas of Lake Superior on the Lac du Flambeau Reservation, Wis .....	153
Sioux on the Rosebud Reservation, S. Dak .....	469
Certificates issued to members of the Kiowa and Comanche tribes, Oklahoma .....	11

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

Klamath Reservation, Oreg.....	1, 179
Otoe and Missouri reservations, Okla.....	632
Yakima Reservation, Wash.....	440
Colville, Wash .....	198

June 24, August 31, and October 31, 1898, the Uncompahgre commission submitted to this office schedules of 295 allotments made to the Uncompahgre Indians. Each of these schedules embraced allotments on both the Uncompahgre and Uintah reservations; but only one schedule was rendered in duplicate.

By the act of June 7, 1897 (30 Stats., 62), all the lands in the Uncompahgre Reservation remaining unallotted on April 1, 1898, became open on that date for location and entry. But none of the allotments on that reservation had been made prior to that date. Therefore, by the act of March 1, 1899 (30 Stats., 924), the Secretary of the Interior was authorized, in his discretion, to approve 83 allotments made to the Uncompahgres within the former Uncompahgre Reservation in

Utah after April 1, 1898, and to issue patents therefor, as provided by existing law.

April 12, 1899, this office transmitted to the Department a description of the surveyed lands included in the allotments, together with copies of the descriptions of the allotments on unsurveyed lands, of which there were twenty-five in whole or in part, and it was recommended that they be forwarded to the General Land Office, that proper notation might be made upon the books of that office to protect the surveyed tracts from entry or location and that the allotments on unsurveyed tracts might be respected when the surveys come to be made.

The condition of the work in the field is as follows:

**Lower Brulé Reservation, S. Dak.**—The agreement of March 1, 1898, with the Lower Brulé Sioux, referred to in my last annual report (p. 41), was ratified by the act of Congress approved March 3, 1899 (30 Stats., 1362). By it the 550 Lower Brulé Sioux who have joined the Rosebud Sioux are allowed to stay among them, and the balance of the tribe, who remain upon the Lower Brulé Reserve, are to have their lands reallocated under the following provision:

All children born prior to the time of making such reallocations shall receive allotments of land in manner and quantity as provided in section eight of the act of Congress approved March second, eighteen hundred and eighty-nine: *And provided further*, That instead of giving an allotment of three hundred and twenty acres of agricultural or double that quantity of grazing land to the head of a family, as provided in said section eight, one-half of that quantity shall be allotted to the husband and one-half to the wife, where both are living and otherwise entitled to the benefits accruing to Indians belonging upon said reservation.

March 28, 1899, the Department assigned Special Allotting Agent John H. Knight to revise the allotments under that agreement and approved instructions prepared by this office for his guidance. Up to September 30, 1899, he had made 341 allotments.

**Rosebud Reservation, S. Dak.**—The work on this reservation has been continued during the year by Special Agent William A. Winder, who was assisted, until the 1st of April, by Special Agent John H. Knight. Up to September 30 3,189 allotments had been made, leaving some 1,260 to be made.

An agreement of March 10, 1898, with the Rosebud Sioux (also ratified by act of March 3, 1899) makes the same provision in regard to allotments as that quoted above from the Lower Brulé agreement, and allotments previously made to the Rosebud Sioux are to be revised in conformity with the terms of that provision. The readjustment of allotments thereby required will somewhat prolong the work.

**Omaha and Winnebago Reservation, Nebr.**—April 24, 1899, Special Allotting Agent John K. Rankin was instructed to make the additional allotments to the Omahas provided for in the Indian appropriation act approved March 3, 1893 (27 Stats., 612), as follows:

That the act of Congress approved August seventh, eighteen hundred and eighty-two, entitled "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes," be, and

the same is hereby, amended so as to authorize the Secretary of the Interior, with the consent of the Indians of that tribe, to allot in severalty, through an allotting agent of the Interior Department, to each Indian woman and child of said tribe born since allotments of land were made in severalty to the members thereof under the provisions of said act, and now living, one-eighth of a section of the residue lands held by that tribe in common, instead of one-sixteenth of a section, as therein provided, and to allot in severalty to each allottee under said act, now living, who received only one-sixteenth of a section thereunder, an additional one-sixteenth of a section of such residue lands.

He was also authorized to give allotments to those members of the Winnebago tribe who were entitled to allotments July 1, 1887, and who failed to receive the same owing to conflicts between their sections and certain outstanding patents which had been treated by Special Agent Fletcher, under instructions from this office, as fictitious. The instructions given Special Agent Rankin were approved by the Department April 26, and he entered upon duty thereunder soon after. He was engaged for the most part until some time in July in the investigation of the so-called fictitious patents. September 30 he reported that he had made 270 allotments.

**Colville Reservation, Wash.**—October 11, 1898, instructions for the guidance of Harry Humphrey, who had been appointed a special agent to make allotments on the north half of the Colville Reservation, under the act of July 1, 1892 (27 Stats., 62), were submitted to the Department. They were approved October 12, 1898, and shortly afterwards he entered upon duty. September 30, 1899, he reported that he had made 264 allotments.

Representations having been made to the Department that there was urgent need for opening the north half of the Colville Reservation to public settlement at the earliest date practicable, William E. Casson, an experienced special allotting agent, was designated by the Department to assist in this work, and July 11, 1899, he was instructed accordingly. September 30 he reported that he had made 86 allotments. Special Agent Humphrey estimated on May 5 that there were 520 allotments to be made. Owing to the fact that the Indians are scattered over a large extent of territory, and the communication between various points is difficult, the work is necessarily slow. Special Agents Humphrey and Casson have been instructed to prosecute it with the utmost vigor.

**Shoshone Reservation, Wyo.**—Special Allotting Agent John T. Wertz is engaged in the work of making allotments on the Shoshone Reservation. Up to July 15 last he had made 175 allotments. As stated in the last annual report, 1,310 allotments had been made by his predecessor, John W. Clark. The completion of this work has been retarded by the delay in making the official surveys of certain townships and fractional townships. These surveys have now been made, and copies of the field notes and plats will be furnished this office as soon as they are received by the General Land Office from the surveyor-general of Wyoming.

## OFF RESERVATIONS.

During the year Special Allotting Agent George A. Keepers has continued his investigations of alleged fraudulent Indian allotment applications in the States of Minnesota and Wisconsin—applications which have been made by mixed-bloods in order to obtain the timber or for speculative purposes, rather than for agriculture and grazing. There were originally 400 of these applications. The difficulty of finding the Indians to obtain their testimony has retarded the work, but he expects to complete it this year. As was stated in last year's report, many applications have been found to be fraudulent and have been canceled; others found to be made by full-blood Indians in good faith have been allowed to stand.

After Special Allotting Agent William E. Casson had finished making allotments to Indians on the Yakima Reservation, Wash., referred to in the last annual report, this office, on December 14, 1898, sent to him for delivery to the parties entitled some 700 patents, covering non-reservation Indian allotments within the following land districts: Carson City, Nev.; Humboldt, Cal.; and Roseburg, Oreg. Most of these patents were delivered; but some of the Indians could not be found and in some instances the allottees had died, when it became necessary to ascertain the heirs and deliver the patents to them. Such cases require very careful investigation.

Very few allotment applications have been received by reference from the General Land Office during the last year; therefore no schedules of allotments have been prepared by this office and transmitted to the Department for approval.

Allotments to Indian women who have married white men, and to their children.—Under the fourth section of the general allotment act approved February 8, 1887 (24 Stats., 388), Indians residing upon the public domain are authorized to make application for allotments of land. Under that section the Secretary of the Interior issued a circular, dated September 17, 1887, prescribing rules and regulations regarding the allotment to Indians of United States lands not otherwise appropriated. This circular contained the following instructions:

Indian women married to white men, or to other persons not entitled to the benefits of this act, will be regarded as heads of families. The husbands of such Indian women are not entitled to allotments, but their children are.

An act in relation to marriage between white men and Indian women was approved August 9, 1888 (25 Stats., 392). Section 2 thereof is as follows:

That every Indian woman, member of any such tribe of Indians, who may hereafter be married to any citizen of the United States is hereby declared to become, by such marriage, a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

According to the circular above referred to, the fourth section of the general allotment act was construed by the Department so as to allow allotments to children of Indian women married to white men. But after the passage of the law of 1888 allotments were allowed only to children born of a marriage contracted prior to August 9, 1888, between a white man and an Indian woman. When an application was made by a married Indian woman for an allotment to herself or her children, if the proof showed that she was married to a white man subsequent to that date, her application was rejected.

Such was the practice of this office until the assistant attorney-general for the Department rendered an opinion, concurred in by the Secretary of the Interior August 3, 1896, to the effect that no Indian women married to white men, citizens of the United States, and no children of such marriages, are entitled to allotments under said section 4. This decision of the Secretary was reiterated in another rendered March 30, 1897, to the effect that children born of a white man, citizen of the United States, and an Indian woman, follow the status of the father in the matter of citizenship, and are therefore not entitled to allotments under section 4.

Since August 3, 1896, no allotments have been made to Indian women married to white men, nor to their children. But from the date of the general allotment act, February 8, 1887, to the date of the act relating to marriages between Indian women and white men, August 9, 1888, allotments were allowed to all Indian women married to white men, and to their children, who applied for the same under section 4; and from August 9, 1888, to August 3, 1896, allotments were allowed to Indian women who were married to white men prior to the former date and to the children born of such a marriage.

In some cases Indian women and mixed-bloods of this class have gone upon their allotments in good faith and improved and cultivated the same, and it would seem that their applications or allotments should not now be canceled or disturbed in any manner under the subsequent decision of the Secretary.

Attention is invited to a case of this kind. Stephen Gheen on October 2, 1888, made application (No. 28, Duluth, Minnesota series) under said section 4 for certain lands. It was allowed by the General Land Office January 17, 1889, and was approved by the Department May 8, 1890. His case was investigated by a special allotting agent of this office, who found the applicant to be a half-blood Indian whose father was a white man and a citizen of the United States. The lands applied for were valuable for farming purposes and applicant had made settlement and improvements thereon. This application was made more than ten years ago. The applicant had every reason to believe that he was complying with the law and that he was entitled to this land under the fourth section of the general allotment act. He therefore proceeded to clear and cultivate it. The allowance of his application

and the approval of the allotment by the Secretary gave Mr. Gheen sufficient cause to rely on the good faith of the Government. The cancellation of this application upon the ground only that the applicant is a mixed blood would be an injustice to him, and especially so as he has made affidavit that he applied for the land as a home and intends to live upon it and to make it his home in the future.

In cases similar to his, where the applicants have acted in good faith, settled upon, cultivated, and improved the land applied for, their applications or allotments should not now, in the opinion of this office, be declared to be unauthorized or ineffectual, and especially so if injury or wrong would occur to an innocent party. The office is not willing to admit that it is either morally or legally right now to cancel applications of this class on the simple ground that the applicants are the children of white fathers and Indian mothers, especially as agents and other officers of the Government have not only encouraged but assisted such mixed bloods to take allotments.

In view of the foregoing it is not believed by this office that it was the intention of the Department in its decision made August 3, 1896, to interpret the fourth section of the general allotment act in such manner as to bring hardship and injustice upon an Indian allottee.

It is held that rights acquired under existing construction of the law will not be impaired by a later and different interpretation. (See Public Land Decisions, Vol. 8, pp. 109 and 399.) Also that a changed construction of the law will not impair rights acquired under a former interpretation of the same law. (See Public Land Decisions, Vol. 6, pp. 145, 217, and 225.) And that an erroneous construction of a statute promulgated as a ruling has all the force of law until changed, and rights acquired or acts done under it must be regarded as legal. (See Public Land Decisions, Vol. 2, p. 711.)

It is earnestly contended, therefore, that the applications or allotments of Indian women and mixed bloods above designated should not be canceled solely upon the ground that the former are married to white men, citizens of the United States, and that the latter are mixed bloods, the offspring of such marriages. All applications made by or allotments to such persons who have complied with the law and the rules and regulations relating to allotments on the public domain should be allowed to stand.

Reference is also made to the doctrine laid down by the Supreme Court of the United States to the effect that usage is evidence of the construction given to the law, and must be considered binding on past transactions. (*U. S. v. Macdaniel*, 7 Pet., 1.) And that the acts of the legislature ought never to be so construed as to subvert the rights of property, unless its intention to do so shall be expressed in such terms as to admit of no doubt and to show a clear design to effect the object. (*Rutherford v. Greene*, 2 Wheat., 201, and *U. S. v. Arredondo*, 6 Pet., 732.)

It appears to this office that such applicants or allottees have such a

vested right in the lands applied for or allotted as to be able to maintain an action for the same under a clause contained in the Indian appropriation act approved August 15, 1894 (28 Stats., 286), which provides—

That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto, in the proper circuit court of the United States. \* \* \*

It has been laid down as a very general rule, that where proceedings between parties, even of a public nature, and in which the State is interested, have been allowed to mature, the acquiescence of parties estops them from subsequent interference. Between August 9, 1888, and August 3, 1896, the Government, through its agents and officers, represented to persons of the classes referred to that they were entitled to allotments, admitted, entered, and passed their applications, and approved their allotments. This action was such as to lead any intelligent person to conclude that he had a right to the land, under said section 4, and if these acts on the part of the Government should form the basis of any suit or proceeding at law under the act of April 15, 1894, it is not clear that they would not constitute a ground of an equitable estoppel.

#### BLACK TOMAHAWK CASE.

Under section 3 of the Sioux act of March 2, 1889 (25 Stats., 888), a Sioux Indian, known as Black Tomahawk, selected for his allotment a tract of land described as follows: The S.  $\frac{1}{2}$  NW.  $\frac{1}{4}$ , N.  $\frac{1}{2}$  SW.  $\frac{1}{4}$ , and lots 2, 3, 4, and 5, sec. 28; the NE.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  and SE.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , sec. 29; all in Township 5 N., R. 31 E., Black Hills meridian, South Dakota.

His right to the land was contested by one Mrs. Jane Waldron, and the case was first laid before the Department December 14, 1891. The first decision that Mrs. Waldron was not entitled to the land was twice reconsidered, and the controversy was not finally concluded until Department communication of February 8, 1897, directed this office to close the matter, since Mrs. Waldron had had abundant opportunity to establish her rights, if she had any, and had failed to do so, and to delay longer a determination of the case would practically be a denial of justice.

Instructions were given to have the lands above described allotted to Black Tomahawk, but pending the execution of these instructions, Mrs. Waldron through her attorneys made application to reopen the case. September 16, 1898, the Secretary of the Interior transmitted to this office with his approval an opinion of the Assistant Attorney-General for the Department overruling the motion on behalf of the contestee for reopening the case.

The lands were allotted to Black Tomahawk by Special Allotting Agent Winder November 4, 1898, and the allotment was forwarded by



this office to the Department for approval December 9, 1898. The next day it was approved and patent for the allotted lands was issued March 28, 1899, and was delivered to Black Tomahawk by the agent April 21, 1899.

The agent was instructed to put Black Tomahawk in possession of the lands patented to him which were being occupied by Mrs. Waldron; but an order was issued in chambers by Judge Loring E. Gaffy, of Hughes County, S. Dak., restraining the agent from carrying these instructions into effect. Steps were taken to dissolve the injunction, but it is not known whether such action has been successful. It appears that Mrs. Waldron has instituted action in the circuit court of Hughes County whereby she "seeks to have her ultimate rights in and to the land in controversy between her and Black Tomahawk determined, and to have the patent issued to him inure to her use and benefit." The present status of the case is not known to the Office, but the district attorney has been instructed to look after it.

### IRRIGATION.

**Fort Hall Reservation, Idaho.**—The affairs of the Idaho Canal Company are still in the hands of a receiver, and the canal has not been completed. July 1, 1899, Agent Warner transmitted to this office a certified copy of the order of the district court of the fifth judicial district of Idaho, made on June 19, 1899, authorizing the receiver to enter into a contract for the completion of the canal on the reservation. The agent stated that Mr. Samuel J. Rich, the present receiver, seems desirous to complete the work, but that it is difficult to tell whether he is in earnest. Mr. J. H. Brady, who is largely interested in the company, has recently expressed a desire for a personal interview on the subject.

**Crow Reservation, Mont.**—July 7, 1899, Inspector W. H. Graves submitted to the Department an agreement, concluded by him June 23, 1899, with the Crow Indians for the completion of their irrigation system, which agreement was negotiated by him under the following proviso in the Indian appropriation act approved March 1, 1899 (30 Stat. L., 947):

*Provided, That with the consent of the Crow Indians in Montana, to be obtained in the usual way, the Secretary of the Interior in his discretion may use the annuity money due or to become due said Indians to complete the irrigation system heretofore commenced on said Crow Indian Reservation.*

The agreement was as follows:

We, the undersigned adult male Indians of the Crow tribe, residing on the Crow Indian Reservation in the State of Montana, do hereby consent and agree that the Secretary of the Interior may, in his discretion, use the annuity money due or to become due said Indians to complete the system of irrigation ditches heretofore commenced on said Crow Reservation; and that the amount of the said annuity money to be so used shall be whatever sum that may be found necessary, in the judgment of the Secretary of the Interior, to fully complete the said ditches. It is also further agreed that the Secretary of the Interior may, in his discretion, pay the whole or any part of said annuity money so used from the grazing fund, or any other

fund that may be available for said purpose belonging to the said Crow Indians: *Provided*, That in the construction and completion of said irrigation ditches no contract shall be awarded nor employment given to other than Crow Indians or whites intermarried with them, except where it is found necessary to employ professional skilled white labor.

This agreement was approved by the Department August 2, 1899, the sum of \$100,000 of the grazing fund of the tribe was set aside for the completion of the irrigation system, and Mr. Walter B. Hill, of New Hampshire, was appointed to superintend the work. Superintendent Hill receipted for the property used in the construction of the irrigation works and entered upon duty in the field August 18, 1899.

**Miscellaneous.**—Most of the irrigation appropriation for the fiscal year 1899 has been expended approximately as follows:

Southern Ute in Colorado.....	\$2, 309
Uintah in Utah .....	5, 000
Wind River in Wyoming.....	1, 250
Yakima in Washington.....	2, 400
Flathead in Montana.....	1, 350
Pyramid Lake in Nevada.....	5, 700
Navajo in Arizona.....	6, 000
Lemhi in Idaho.....	1, 320
San Carlos in Arizona.....	2, 300
Western Shoshone in Nevada.....	500
Colorado River in Arizona.....	2, 310

## LOGGING ON INDIAN RESERVATIONS.

**White Earth Agency, Minn.**—By report of September 21, 1898, the office submitted to the Department a draft of regulations to govern the logging of dead and down timber on the diminished reservations of the White Earth Agency in Minnesota, under the provisions of the act of June 7, 1897 (30 Stat. L., 90), and recommended that, in view of statements made by the Indian agent, authority for the logging be granted.

The Department directed Special Inspector Zevely to investigate allegations that had been received in the Department as to illegal acts of Indians and others in the killing of timber on the White Earth Reservation for the purpose of securing its sale under the act, but up to December 6, 1898, he had not been able to make the investigation. Upon that date the Department granted authority for the Indians to engage in logging on these reservations without further waiting for the inspector's report or for reports from the agents of the General Land Office, who had been sent to investigate the alleged timber depredations, and the letter of authority stated: "The season is so far advanced, and inasmuch as it is believed that further delay in beginning the work of logging on these reservations will seriously injure the interests of the Indians, authority is hereby granted for the sale of the timber in question as recommended." The Department directed, however, that every precaution should be taken by specific rules and regulations to guard the interests of the Indians, and especially that every

effort should be made to obtain the full value of the timber to be disposed of, and that the Indians should be employed by the operators wherever their services could be made available; and it was suggested that in these logging operations the best features of the Menomonee plan be adopted where practicable.

On account of reports that had been received in the Indian Office that there was but little dead timber on these reservations, and that on the pretense of cutting dead timber large quantities of green timber had been cut, this office sent a special agent to make an investigation. From his report, which was received December 12, 1898, it appeared that there was not sufficient dead timber to warrant the proposed logging, and also that in previous years, under authority for logging given from time to time, large quantities of green timber had been cut and sold as dead timber. In view of this the office did not promulgate the authority granted by the Secretary on December 6, 1898, so that the season passed without any logging operations on the diminished reservations being entered upon by the Indians.

Logging operations, however, were carried on on the ceded lands through the Commissioner of the General Land Office, and these operations were under his supervision under regulations prescribed by the Secretary on August 26, 1898.

During the winter many complaints were received in this office from Indians of the Leech Lake country, charging that green timber was being cut in large quantities; but officers of the General Land Office having charge of the cutting of the timber reported that there was nothing in these complaints, and no action was taken to stop the operations until Congress took up the matter on representations made to it by delegates from the Indian tribes who were interested. The Indian appropriation act approved March 1, 1899 (30 Stat. L., 924), authorized and directed the Secretary of the Interior—

to cause investigation to be made by an Indian inspector and a special Indian agent of the alleged cutting of green timber under contracts for cutting "dead and down" on the Chippewa ceded and diminished reservations in the State of Minnesota, and also whether the present plan of estimating and examining timber on said lands and sale thereof is the best that can be devised for the protection of the interests of said Indians, and also in his discretion to suspend further estimating, appraising, examining, and cutting of timber and the sale of same, and also suspend the sale of lands on said reservation.

Pursuant to this authority of law, the Department, by letters of March 30, 1899, addressed to the Commissioner of the General Land Office and to this office, directed a suspension of all operations of whatever kind or character relating to the cutting or sale of timber on the ceded lands and to the sale of the ceded lands of the Chippewas of Minnesota. As no timber operations were being conducted under the direction of this office, which has jurisdiction only over the diminished reservations, the only operations to be suspended were those that were being conducted under the jurisdiction of the General Land Office.

For the purpose of making the investigation required in the act the Department detailed Inspector Charles F. Nesler and Special Agent James E. Jenkins, and March 27, 1899, this office submitted for departmental approval, in accordance with Department directions of March 22, a draft of instructions for the guidance of these officers in the work assigned them. They have been engaged in making the investigation, but their report has not yet been received in this office.

**La Pointe Agency, Wis.**—Under authority granted J. H. Ousheway & Co. in 1892 to purchase timber from allottees of the Lac du Flambeau Reservation and under authority granted Justus S. Stearns in 1893 to purchase timber from allottees on the La Pointe or Bad River Reservation logging operations on these reservations have continued and have been satisfactorily conducted.

In the last annual report a statement was given of the granting of authority to Mr. Frederick L. Gilbert to purchase timber from the allottees on the Red Cliff Reservation. The logging on this reservation has also gone on satisfactorily. The mill of Mr. Gilbert has been erected, and the parties are understood to have entered upon the manufacture of the timber.

No other logging has been done under the La Pointe Agency.

**Menominee Reservation, Wis.**—August 9, 1898, the Department, on recommendation of this office, granted authority for the agent of the Green Bay Agency, Wis., to employ Menominee Indians to carry on logging operations on their reservation for the season of 1898-99, under the provisions of the act of June 12, 1890 (26 Stat. L., 146). They were to cut and bank on the rivers and tributaries of the reservation 16,000,000 feet of pine timber, or so much thereof as might be practicable, under the rules and regulations that governed similar operations the previous year.

Acting under this authority, the Menominee Indians, under the direction of the agent, cut and banked 11,794,000 feet of logs on the Wolf River and tributaries and 4,206,000 feet of logs on the Oconto River, and on February 6, 1899, the agent was authorized to advertise the logs for sale. March 14 he submitted an abstract of bids received, and April 12 they were submitted to the Department with the recommendation that the bid of Ellis & Hollister, of Oshkosh and Oconto, Wis., for all the logs offered—16,000,000 feet—at \$15.08 per thousand, be accepted. The Department, April 13, accepted that bid. This price—\$15.08 per thousand feet—is an increase of \$2.26½ per thousand feet over the average price for the season of 1897-98.

September 26, 1898, the agent transmitted authority of the chiefs and headmen of the Menominee tribe of Indians for entering into an agreement with the owner of the fee of E. 2 of the NE. and the SW. of the NE. and the N. 2 of SE. and the SW. NW. of section 16, T. 30 N., of R. 16 E, for the removal of a quantity of valuable pine timber, estimated at 5,000,000 feet, provided that the price to be paid for the cutting, hauling, and banking of the timber should not be less than

\$4.25 per thousand feet. He recommended that the request of the Indians be granted, as undoubted benefit would accrue to them, and since all of the pine timber on the adjoining lands had been cut, the timber on this section was badly exposed to fire.

The fee title to the above-described lands was claimed by the Oconto Company, of Oconto, Wis., having been purchased by that company from the State of Wisconsin. October 1, 1898, Mr. E. G. Mullen, the agent of the Oconto Company, submitted a proposition for the cutting, hauling, and banking of the timber. November 3 the Department accepted that proposition and authorized this office to enter into an agreement with the owner of the lands for the removal of the estimated 5,000,000 feet of pine timber, provided as follows: That the price to be paid for the cutting, hauling, and banking of the timber be not less than \$4.25 per thousand feet; that the logs be banked on the south branch of the Oconto River; that all of the labor of cutting, hauling, and banking of the timber be done by contract with the Menominee Indians under the rules and regulations in force on their reservation, and that on the delivery of the timber to the owners of the fee they should convey to the United States for the benefit of the Menominee Indians all of their right, title, and interest in and to the said lands.

November 5 a contract was entered into between the Commissioner of Indian Affairs and the Oconto Company, and on the same date the company filed a bond in the penal sum of \$30,000 for the faithful performance of the contract. It was approved by the Department November 8, and authority was also granted to add to the existing rules for the cutting of timber on the Menominee Reservation, as provided in the contract, such other rules as might be necessary to meet the requirements of the contract and of the service.

Subsequently a supplemental proposition was submitted by the Oconto Company for the cutting of 400,000 feet of timber (estimated) on the NW. NW. of section 16, T. 30 N., R. 16 E., the fee of these lands having also been purchased by that company from the State of Wisconsin. December 21, 1898, the Department accepted the supplemental proposition, and March 4, 1899, a contract was entered into between the Commissioner of Indian Affairs and the Oconto Company, having the same terms as the former contract of November 5.

The terms of the original and supplemental contracts were enforced in every particular. The work incident to the cutting and scaling of the logs and timber was under the direction of the superintendent and assistant superintendent of logging employed at the agency. Under the original contract there was cut and banked, by actual scale, 5,601,820 feet, for which the Oconto Company paid the sum of \$23,807.74 to the United States Indian agent. Under the supplemental contract there was cut and banked, by actual scale, 398,600 feet of logs, for which the Oconto Company paid to the United States Indian agent the sum of \$1,694.05, both sums to be disbursed to the Indians for the labor performed by them.

May 10, 1899, the Oconto Company filed a quitclaim deed to the United States for the tracts of land in Oconto County, Wis., above described, containing 280 acres, according to Government survey. The deed has not yet been approved.

## INDIAN LANDS SET APART TO MISSIONARY SOCIETIES.

Tracts of reservation lands set apart during the year for the use of societies carrying on educational and missionary work among the Indians are as follows:

*Lands set apart on Indian reservations for the use of religious societies from August 31, 1898, to August 31, 1899.*

Church or society.	Acres.	Reservation.
Roman Catholic.....	40	Rosebud, S. Dak.
American Missionary Association.....	80	Do.
Board Home Missions, Presbyterian Church.....	15	Spokane, Wash.
Board of Elders of Northern Diocese of Church of United Brethren of America (Moravian Church).....	15	Potrero, Cal.
Do.....	10	Do.
Methodist Episcopal.....	80	White Earth, Minn.

<sup>1</sup>Set aside in 1884 to Women's National Indian Association, and surrendered in 1899 in favor of Board of Home Missions.

<sup>2</sup>Set aside in 1889 to Women's National Indian Association, and surrendered in 1899 in favor of Moravian Church Society.

<sup>3</sup>Set aside in 1896 to Women's National Indian Association, and surrendered in 1899 in favor of Moravian Church Society.

## LEASING OF INDIAN LANDS.

For the terms on which Indian lands can be leased, see the Annual Report of this Bureau for 1897 (p. 46).

### UNALLOTTED OR TRIBAL LANDS.

Since the date of the last Annual Report the following leases of tribal lands have been approved.

**Kiowa and Comanche Reservation, Okla.**—Twenty-one grazing leases and one grazing permit have been executed, as follows:

Lessee.	Acres.	Term.	Annual rent.
<b>Grazing leases:</b>			
		<i>Years.</i>	
Samuel B. Burnette.....	806,789	2	\$30,678.90
William T. Waggoner.....	592,610	2	59,261.00
Hezekiah G. Williams.....	35,000	1½	3,500.00
John W. Light.....	77,112	2	7,711.20
Do.....	70,000	2	7,000.00
William A. Wade.....	105,892	2	10,589.20
Ascher Silberstein.....	2,000	2	200.00
Roswell K. Halsell.....	59,581	2	5,958.10
Samuel P. Britt.....	10,000	2½	1,000.00
Driggers & Sharp.....	30,000	2½	3,000.00
James L. McHaney.....	8,000	2½	800.00
Edward D. Byrd.....	9,500	2½	950.00
Hezekiah G. Williams.....	5,500	2	440.00
Edward L. Clark.....	3,450	2½	345.00
James A. Gamel.....	24,000	13	2,400.00
James N. Jones.....	2,000	3	200.00
Emmet Cox.....	6,000	2½	600.00
Quannah Parker.....	8,000	1	800.00
Olde and Elliott.....	15,320	2½	1,532.00
Hezekiah G. Williams.....	5,424	2	542.40
Augustus H. Jones.....	100,000	1½	8,000.00
<b>Grazing permit:</b>			
James Myers.....	2,000	2½	200.00

<sup>1</sup>Months.

<sup>2</sup>Total rent.

The first eight leases mentioned above are renewals, executed under the optional rights of the lessees as contained in their leases for 1898-99. The last six leases and the grazing permit have not been acted upon by this office.

**Wichita Reservation, Okla.**—Fifteen grazing leases have been executed and approved, each for the term of one year from April 1, 1899, as follows:

Lessee.	Acres.	Annual rent.
Hiram P. Pruner.....	2,500	\$200.00
John D. Perry.....	14,052	1,405.20
Prestridge & Connell.....	2,861	281.60
Joseph D. Bridges.....	1,362	136.20
Walters & Longmire.....	4,509	450.90
Lyon K. Bingham.....	17,150	1,114.75
Do.....	17,761	1,776.10
Charles B. Campbell.....	14,554	1,455.40
William G. Williams.....	16,577	1,657.70
Willis C. West.....	5,189	517.22
Charles S. Williams.....	8,700	869.00
Smith Brothers.....	1,436	143.60
Reuben M. Bourland.....	11,000	990.00
Do.....	26,543	2,654.30
Do.....	7,500	450.00

A lease in favor of Robert Curtis for 3,546 acres, for one year, at a consideration of \$354.60 has not been acted on by this office.

**Omaha and Winnebago Reservations, Nebr.**—Ninety-nine farming and grazing leases on the Omaha Reservation and 48 on the Winnebago Reservation, each for the period of one year from March or May, 1899, are described as follows:

Lessee.	Acres.	Annual rent.	Lessee.	Acres.	Annual rent.
OMAHA RESERVATION.			OMAHA RESERVATION—continued.		
Jesse W. Tipton.....	185	\$441.00	Robert Warner.....	40	\$10.00
Spofford Woodhull.....	404.87	101.22	Robert Raddis.....	40	40.00
Henry Harlan.....	80	22.00	Josiah Fields.....	40	20.00
Lenora Baxter.....	80	20.00	Uriah Merrick.....	200	50.00
Harry Smith.....	360	99.00	Daniel Parker.....	160	80.00
Mary Lewis.....	80	20.00	Silas Wood.....	121.84	67.50
George Medkiff.....	240	60.00	Elkhorn Black.....	180.47	40.12
Sampson Stabler.....	40	10.00	Richard White.....	40	10.00
Elyas Grant.....	80	20.00	Josephine Lamson.....	440	110.00
Guy T. Graves.....	293.35	92.40	Lizzie Wickersham.....	256.17	68.04
Henry C. Dunagan.....	74.05	92.56	Paul Lovejoy.....	80	30.00
Etta M. Brownrigg.....	100	40.00	Henry D. Byram.....	670.98	205.74
Walter F. Cople.....	40	12.00	Lewis P. Holman.....	47.08	11.77
Fayland H. Park.....	240	72.00	Thomas M. Senter.....	215.43	107.72
Alfred Holmberg.....	200	94.00	James Grant.....	98.02	24.50
Henry C. Dunagan.....	240	75.00	Henry C. Martin.....	40	10.00
Oliver Wait.....	71.54	27.88	Thomas L. Sloan.....	559.70	159.15
Lewellyn C. Brownrigg.....	920	415.15	Sylvester E. Morgan.....	40	20.40
James E. L. Carey.....	9,236.56	2,309.14	Arthur T. Barr.....	40	10.00
Roy D. Stabler.....	600	180.00	Thomas L. Sloan.....	1,051.56	262.89
Swan Olson.....	3,631.22	1,511.49	Josephine Von Felden.....	40	10.00
George Turpin.....	4,073.13	1,731.07	Celestine B. Kuhn.....	365.80	91.44
Stewart Walker.....	35.63	9.15	Arthur Hollowell.....	80	20.00
Philip Walker.....	200	50.00	Mrs. Frank B. Hutchins.....	793.55	595.16
Amos Walker.....	160	40.00	Bert Baxter.....	80	20.00
Thomas Wolf.....	40	10.00	Asbeary G. Weaver.....	318.08	99.59
Edward Walker.....	160	56.00	Guy Stabler.....	80	20.00
Rosalie Farley.....	120	60.00	Perry Friel.....	80	32.00
Sampson Gilpin.....	44.37	11.05	Charles Stabler.....	80	20.00
Michael F. Casey.....	40	26.00	Albert Pappan.....	32.91	8.22
Samuel Cherry.....	160	48.00	W. me Burt.....	40	16.00
Jay F. Dodd.....	242.27	226.45	Charles Reese.....	120	30.00
Christopher Tyndall.....	120	52.00	Walter D. Diddock.....	213	108.25
Starkey and Mercuro.....	800	288.00	Charles Crowell.....	80.58	23.43

Lessee.	Acres.	Annual rent.	Lessee.	Acres.	Annual rent.
OMAHA RESERVATION—continued.			WINNEBAGO RESERVATION—continued.		
Sioux Solomon .....	80	\$24.00	James Monier.....	520	\$158.00
George F. Phillips .....	120	42.00	Swan Olson.....	600	213.75
Henry C. Dunnagan .....	80	20.00	Gottfried Fucher.....	80	80.00
Charles C. Maryott .....	421.72	113.36	Starkey & Mercure.....	80	24.80
Josiah M. Sumner .....	53.35	69.19	Frank Rejman .....	71.03	43.06
Winfield S. Flanders .....	538.44	204.80	David St. Cyr .....	80.25	20.06
Ardent Sannoci .....	240	72.00	Starkey and Mercure.....	860	90.00
Joseph E. Blankiron .....	120	74.80	Robert Dingwall .....	40	20.00
Benjamin Merrick .....	80	28.00	John Ashford .....	588	308.93
Arthur P. Fiscus .....	155.16	38.79	John Ahlers .....	36.55	36.55
William Barada .....	400	200.00	Sylvester E. Morgan .....	80	24.80
Faylord H. Park .....	80	24.00	Elisha Tadlock .....	120	30.00
Zelos D. Yeaton .....	680.95	212.80	Sylvester E. Morgan .....	80	28.80
George Anderson .....	492.85	202.33	John McKeegan .....	480	144.00
Thomas R. Ashley .....	233.15	70.29	Winfield S. Flanders .....	956.80	363.58
Milton Levering .....	38.33	9.58	Cornelius J. O'Conner .....	581.20	220.85
David Wells .....	40	12.00	Nick Fritz .....	1,117.12	446.84
Harvey Warner .....	120	36.00	Oscar Bring .....	320	320.00
Henry Springer .....	111.09	27.77	Emil Magnusson .....	160	140.00
Garry P. Myers .....	40	12.00	Swan E. Renando .....	120	120.00
Joseph Lyon .....	40	10.00	Mrs. Frank H. Hutchins .....	123.52	92.64
Reuben H. Cabney .....	55.40	21.50	George Rice Hill .....	80	20.00
Joseph A. Spainhourd.....	360	108.00	Harmou Barber .....	12.57	5.03
WINNEBAGO RESERVATION.			Ernest J. Smith .....	640	320.00
William Stanage .....	80	32.00	James W. Holmquist .....	120	150.00
Samuel H. Nixon .....	160	80.00	Nels Tolstrop .....	84.84	8.71
George Harris .....	80	124.00	Joseph Lamere .....	80	20.00
John J. Kellogg .....	299.02	96.84	Timothy Murphy .....	160	40.00
St. Pierre Owen .....	80	20.00	Cornelius J. O'Conner .....	1,632	608.20
John T. Wheeler .....	80	48.00	Mrs. Reuben Decora .....	80	48.00
Edwin Sandberg .....	80	100.00	John S. Lenmon .....	2,014.49	1,601.44
Charles Frenchman .....	120	66.00	Charles C. Maryott .....	1,898.94	419.73
John W. Albaugh .....	80	32.00	Michael J. Rea .....	158.62	158.62
James W. Boyd .....	259	175.00	William Reninger, sr .....	552.34	138.08
Albert S. Wendell.....	797.48	289.08	Frank C. Buckwalter .....	274.96	68.74
			Charles Raymond .....	40	20.00
			Frank B. Buckwalter .....	30.73	15.37

The Annual Report for 1896 mentioned one five-year lease for farming purposes on the Omaha Reservation and one five-year lease on the Winnebago Reservation, from March 1, 1896. The first is in favor of Mrs. Rosalie Farley, a member of the Omaha tribe, for 12,002 acres, at the annual rental of \$6,001.09 for the first three years and \$9,001.03 for the remaining two years. The other is in favor of Nick Fritz, for 2,240 acres, at an annual rental of \$1,120 for the first three years and \$1,680 per year for the remaining two years.

**Uintah Valley Reservation, Utah.**—One mineral lease has been approved for ten years from November 26, 1898. Description of tract leased: All that part of the Uintah Reservation lying south of the Strawberry River, west of the first guide meridian, and south of the first standard parallel south, in Wasatch County. The lessees are allowed two years in which to select definite tracts and file maps of definite location.

The mining privileges granted by this lease extend to and include only elaterite, woertzelite, gilsonite, asphaltum, and mineral wax. The consideration to be paid by the lessees is one-twentieth of each of the first two mentioned minerals and one-fifteenth of each of the last three.

On the following reservations no additional leases have been made during the past year: Crow, Mont.; Kickapoo, Kans.; Osage, Kaw, Ponca, and Otoe, Okla.; Shoshone, Wyo., and Eastern Shawnee, Ind. T.



## ALLOTTED LANDS.

Since the date of the last annual report the following leases of allotted lands have been approved:

**Cheyenne and Arapaho Agency, Okla.**—One hundred and thirty-six farming and grazing leases. The length of term is generally three years. The consideration paid the allottees at this agency is low, ranging from 15 cents to 78 cents per acre per annum.

**Chippewa Reservation, Minn.**—One business lease for the term of five years. The consideration is \$102 per annum for 51.25 acres.

**Crow Creek Agency, S. Dak.**—Two grazing leases, covering 360 acres, for the term of one year. The consideration is \$36, or 10 cents per acre. These lands are to be used as a grazing pasture for the stock of the Industrial Boarding School.

**Green Bay Agency, Wis.**—One farming lease for the term of fifteen months. The consideration is \$120 for the full term, or \$2.40 per acre per annum. This land is to be used for the purpose of teaching practical agriculture to the Indian boys of the Oneida school. Thirteen farming and grazing leases have been executed upon which no action has been taken.

**Nez Percé Agency, Idaho.**—Fifty-one farming and grazing leases and 26 business leases. The terms are from one to three years for farming and grazing leases and from one to five years for business leases. The consideration ranges from 30 cents to \$2.50 per acre per annum for farming and grazing lands. The prices paid for business leases range from \$30 per annum to \$240 for town lots, located in Lapwai and Spaulding, Idaho. Twenty-three farming and grazing leases and 4 business leases have been executed upon which no action has been taken.

**Omaha and Winnebago Agency, Nebr.**—Ninety-six farming and grazing leases on the Omaha Reservation and 152 on the Winnebago Reservation. The term is generally three years, but some are for one and two year periods. The prices range from 25 cents per acre for grazing lands to \$2 for the best farming lands. For average farming lands where small improvements have been made the prevailing price is \$1.25 per acre. Eleven leases from this agency have been executed upon which no action has been taken.

**Ponca, Pawnee, etc., Agency, Oklahoma.**—Two hundred and sixty-four farming and grazing leases and 1 business lease on the Ponca Reservation and 106 farming and grazing leases on the Pawnee Reservation. They are generally executed for the term of three years, but some are for one year and two year periods. The prices range from 25 cents per acre per annum for grazing lands to \$2 for the best farming lands. In the majority of cases the lessees are to place certain improvements on the lands, such as fences, etc. This is in addition to the cash consideration. The business lease is for five years. The consideration is \$5 per

acre per annum for 5 acres. Eighteen farming and grazing leases have been executed upon which no action has been taken.

**Puyallup Reservation, Wash.**—Fourteen farming and grazing leases. The terms are one and two years, excepting two, which are for five and seven months, respectively. The prices range from \$3.60 to \$12 per acre per annum.

**Quapaw Reservation, Ind. T.**—One farming lease for the period of one year. The consideration is \$2 per acre.

**Round Valley Agency, Cal.**—One farming and grazing lease has been executed upon which no action has been taken.

**Sac and Fox Agency, Okla.**—Thirty-two farming and grazing leases by the Absentee Shawnee allottees, 23 by the Pottawatomies, 44 by the Sacs and Foxes, 17 by the Iowas, and 25 by the Kickapoos; also six residence and business leases by the Sac and Fox Indians. The length of term is from one to three years. The consideration ranges from 17 cents per acre per annum for grazing lands to \$3 for the best farming lands. The average price for raw, unbroken lands is about 75 cents per acre. In the majority of cases the lessees are to place certain small improvements on the lands, such as fences, etc. The residence and business leases are for the term of one year. The consideration is \$10 for 50 by 150 square feet. Eight leases have been executed upon which no action has been taken.

**Siletz Reservation, Oreg.**—Two-grazing leases. The terms are one and three years. The consideration is 79 and 41 cents per acre per annum, respectively.

**Sisseton Agency, S. Dak.**—Forty-nine farming and grazing leases. The term is three years. The consideration ranges from 19 cents to 93 cents per acre per annum.

**Umatilla Agency, Oreg.**—Forty-one farming and grazing leases—21 by the Cayuse, 14 by the Walla Walla, and 6 by the Umatilla allottees. The terms are from one to three years. The consideration ranges from 70 cents to \$2.68 per acre per annum.

**Yakima Agency, Wash.**—Nine farming and grazing leases for the term of three years. The consideration ranges from \$1 to \$1.75 per acre per annum.

**Yankton Agency, S. Dak.**—One hundred and forty-five grazing leases for the term of three years. The consideration paid for grazing lands at this agency is low, generally 10 cents per acre per annum, but some few pieces are leased for 12½ and 15 cents.

The following tabular statement is a summary of the above information as to leases of allotted lands:

Reservation.	Kind of lease.	No. of leases.	Years.	Rate.
Cheyennes and Arapahoes, Okla.	Farming and grazing	136	3	15 to 78 cents per acre per annum.
Chippewas, Minn.	Business	1	5	\$102 per annum.
Crow Creek, S. Dak.	Grazing	2	1	\$36.
Oneidas, Wis.	Farming	1	1½	\$120 for full term.
Nez Percés, Idaho	Farming and grazing	51	1, 2, 3	30 cents to \$2.50 per acre per annum.
Do.	Business	26	1, 5	\$30 to \$240 per annum.
Omahas, Nebr.	Farming and grazing	96	1, 2, 3	25 cents to \$2 per acre per annum.
Winnebagoes, Nebr.	do	152	1, 2, 3	Do.
Poncas, Pawnees, etc., Okla.	do	370	1, 2, 3	Do.
Do.	Business	1	5	\$5 per acre per annum.
Puyallups, Wash.	Farming and grazing	14	1, 2, 3	\$3.50 per acre per annum to \$12.50 per acre per month.
Senecas, Ind. T.	do	1	1	\$2 per acre per annum.
Round Valley, Cal.	do	1	1	\$1.16 per acre per annum.
Absentee Shawnees, Okla.	do	32	1, 2, 3	17 cents to \$3 per acre per annum.
Pottawatomies, Okla.	do	23	1, 2, 3	Do.
Sacs and Foxes, Okla.	do	44	1, 2, 3	Do.
Iowas, Okla.	do	17	1, 2, 3	Do.
Kickapoos, Okla.	do	25	1, 2, 3	Do.
Sacs and Foxes, Okla.	Residence and business.	6	1	\$10 for 50 by 150 square feet.
Siletz, Oreg.	Grazing	2	1, 3	79 and 41 cents per acre per annum.
Unatillas, Oreg.	Farming and grazing	6	1, 2, 3	70 cents to \$2.68 per acre per annum.
Walla Wallas, Oreg.	do	14	1, 2, 3	Do.
Cayuse, Oreg.	do	21	1, 2, 3	Do.
Yakimas, Wash.	do	9	3	\$1 to \$1.75 per acre per annum.
Yankton Sioux, S. Dak.	Grazing	85	3	10, 12½, and 15 cents per acre per annum.
Lake Traverse, S. Dak.	Farming and grazing	49	3	19 to 23 cents per acre per annum.

<sup>1</sup> Months.

## SALES OF INDIAN LANDS.

**Peoria and Miami Lands, Indian Territory.**—The last annual report of this office reported the approval by the Department up to August 5, 1898, under the act of June 7, 1897 (30 Stat., p. 72), of 32 conveyances of land by the Peoria Indians, amounting to 2,684.75 acres, at a valuation of \$27,653.90, an average of \$10.30 per acre; also 16 conveyances by the Miami Indians, amounting to 1,411.05 acres, at a valuation of \$12,505, an average of \$8.86 per acre. Thus the sales by both tribes aggregated 4,095.62 acres of land for \$40,108.90, an average of \$9.79 per acre.

Between August 5, 1898, and August 31, 1899, there have been approved by the Department 24 conveyances by the Peoria Indians, amounting to 1,862.43 acres, at a valuation of \$15,915, an average of \$8.54 per acre, and 9 conveyances by the Miami Indians, amounting to 686.85 acres, at a valuation of \$6,926, an average of \$10.01 per acre. The total 33 conveyances cover 2,549.28 acres of land, at a valuation of \$22,841, an average of \$8.96 per acre.

The total sales of land by these two tribes of Indians since the passage of the act of June 7, 1897, are 81, aggregating 6,644.90 acres of land, at a valuation of \$62,949.90, an average of \$9.47 per acre.

**Citizen Pottawatomie and Absentee Shawnee Lands, Oklahoma.**—The act of August 15, 1894 (28 Stat., p. 295), authorizes the members of these tribes who are over 21 years of age to dispose of any of the lands patented to them under the general allotment act in excess of 80 acres. Up to the 5th of August, 1898, there had been approved by the Department 378 conveyances, aggregating in area 40,093.51 acres of land, valued at \$229,461.77.

Between August 5, 1898, and August 31, 1899, there had been approved by the Department 97 conveyances of the Citizen Band of Pottawatomie Indians, at an average valuation of \$4.60 per acre, viz, 79 in Pottawatomie County, aggregating 8,325.03 acres, for \$37,014, and 18 in Cleveland County, aggregating 1,490.72 acres, for \$8,135. During the same period there have been approved by the Department 34 conveyances by the Absentee Shawnee Indians, at an average of \$6.71 per acre, viz, 33 in Pottawatomie County, aggregating 2,926.10 acres, for \$19,871.34, and 1 in Cleveland County, 80 acres, for \$320. The total, 131 conveyances, cover 12,821.85 acres of land, at a valuation of \$65,340.34, or an average of \$5.10 per acre.

The total sales of land by these two tribes of Indians since the passage of the act of August 15, 1894, are 509, aggregating 52,915.36 acres of land, for \$294,802.11.

In the last annual report it was recommended that additional legislation in behalf of the Pottawatomies be secured which will allow those who took allotments under the act of May 23, 1872 (17 Stat., 159), the same privilege of alienating portions of their lands as has been accorded those who took allotments under the general allotment act. This recommendation is renewed and a draft of a bill to carry it out will be submitted to the Department to be laid before Congress.

**Additional legislation needed.**—By the act of May 23, 1872, the Secretary of the Interior was directed to make allotments to the members of the Citizen Band of Pottawatomies and to Absentee Shawnees residing upon the tract set apart for them in what was then the Indian Territory. No provision was made for patents, but it was directed that certificates of allotments should be issued, and that the lands thus allotted

should be alienable in fee or leased or otherwise disposed of only to the United States or to persons of Indian blood lawfully residing within said Territory, with permission of the President, and under such regulations as the Secretary of the Interior shall prescribe.

A few of the tracts thus allotted are still held by the original allottees or their heirs, while others, with the permission of the President, have been alienated to persons of Indian blood. Since no time was fixed at which the inhibition against alienation should terminate, if those holding allotments under that act are to be allowed to sell their land or any part of it except to Indians, further legislation is necessary. There would seem to be no good reason for permitting those who

received allotments under the act of 1887 to sell a part of their lands and refuse the same privilege to those who took their allotments under the act of 1872. As stated in last year's report, the rule should be made uniform. The act of 1872 requires the "permission of the President" to make conveyances valid. The President should be relieved of the duty of attending to such a minor detail as the approval of Indian deeds.

In an opinion rendered June 8, 1897, the Department held that the authority given by the act of August 15, 1894, to make sales of portions of allotments taken under the general allotment act was confined to adult Indians, and did not include sales made by or on behalf of minor heirs. Further legislation seems necessary to authorize the sale of these lands when held by adult and minor heirs as tenants in common.

The Peoria and Miami Indians of the Quapaw Agency, Ind. T., were allowed to sell a part of their lands by a provision of the act of June 7, 1897 (30 Stats., p. 72), which reads as follows:

That the adult allottees of land in the Peoria and Miami Indian Reservation in the Quapaw Agency, Ind. T., who have each received allotments of 200 acres or more may sell 100 acres thereof, under such rules and regulations as the Secretary of the Interior may prescribe.

This law does not provide for the sale of their lands by heirs of allottees, which would seem to be an unfair and impracticable discrimination.

The draft of a bill to cover the points above indicated was submitted to Congress at its last session, but failed to become a law. It will be resubmitted for transmission to Congress at its next session.

#### TELEPHONE LINES ACROSS RESERVATIONS.

The act of February 9, 1899 (30 Stat., 834, and p. — of this report), grants the Missouri and Kansas Telephone Company the right to construct and maintain lines and offices for general business purposes in the Ponca, Otoe, and Missouria reservations in the Territory of Oklahoma. Section 2 of the act provides that the company shall pay the nations or tribes through which it extends its line, in whole or in part, the sum of \$5 annually for each 10 miles of line constructed and maintained. Section 3 provides that before the line shall be constructed consent shall be obtained from all persons in the lawful possession of improvements authorizing the construction across said improvements; and if the right to construct can not be obtained by agreement, then the amount of damages shall be determined by arbitration, one arbitrator to be selected by the company and one by the owner of the improvements, and if they shall fail to agree, they shall select a third person, and the award so made shall be binding upon the parties thereto. This act is the first act of Congress authorizing the construction of a telephone line through Indian lands.

## RAILROADS ACROSS RESERVATIONS.

The most important matter of legislation during the past year in connection with railroads across Indian lands was the passage of the act of Congress of March 2, 1899 (30 Stat., 990, and p. — of this report). The act provides that any railway company duly organized under the laws of the United States or under the laws of any State or Territory, may acquire right of way through Indian reservations, Indian lands, and Indian allotments by complying with its terms and with the rules and regulations of this Department prescribed thereunder. April 18, 1899, the Secretary of the Interior prescribed rules and regulations governing railway companies in the acquirement of such rights of way. The act and the rules and regulations will be found printed in this report at page —. Such rights of way shall be for the construction of railway, telegraph, and telephone lines, not to exceed 50 feet in width on each side of the central line of the road, except where there may be heavy cuts and fills, in which case they shall not exceed 100 feet in width on each side of the central line of the road; the companies may also acquire station grounds adjacent to the rights of way, not exceeding 100 feet in width, by a length of 2,000 feet.

Under the provisions of this general act, and subject to the rules and regulations of this Department, authority has been granted for railroad companies to survey their lines of road through Indian lands, as follows:

**Arkansas Valley and Gulf Railroad Company.**—On March 7, 1899, the Department granted authority for the above-named company to make a preliminary survey of its line of road through Indian lands in Oklahoma and through the Indian Territory, beginning at a point to be selected by said railroad company on the Kansas line a few miles southeast of Arkansas City, Kans., running thence by the most practicable route through the Indian Territory in a southeasterly direction along the valley of the Arkansas River to the southern boundary; and also for the construction of a branch line beginning at a point not exceeding 35 miles south of the south line of Kansas, thence in a southeasterly direction to connect with the main line.

**Gulf and Northern Railroad Company.**—March 18, 1899, the Acting Secretary granted authority for the above-named company to make a preliminary survey for the location of its line of road through the Osage, Ponca, and Otoe and Missouri reservations, Okla., and also through the lands of Five Civilized Tribes in the Indian Territory.

**Kansas, Oklahoma and Texas Railroad Company.**—July 18, 1899, the Acting Secretary of the Interior granted authority for the Kansas, Oklahoma and Texas Railroad Company to locate and survey a line of railroad from a point on the south line of the State of Kansas, at or near Coffeyville, through the Cherokee and Osage nations and the counties of Pawnee, Payne, Logan, Kingfisher, Oklahoma, Canadian,

and Washita, the Wichita, Kiowa, and Comanche reservations, and Greer County, Okla., to Vernon, Tex.; also for a branch line from a point on the Missouri, Kansas and Texas Railway at or near Pryor Creek, in the Cherokee Nation westwardly and intersecting with the said above-described line where it crosses the Arkansas River in the Osage Nation.

**Rio Grande, Pagosa and Northern Railroad Company.**—May 19, 1899, tacit authority was granted the above-named company for the location and survey of its line of road through the allotted lands formerly embraced within the Southern Ute Reservation, Colo.

The survey of the line of road was effected and on July 20, 1899, a map showing the definite location of the line of road through said allotted lands was submitted to this Department for approval. On July 25 the Acting Secretary approved the map, as follows:

Approved only so far as the line of road represented hereon passes through Indian lands, subject to all the requirements, limitations, and provisions contained in the act of Congress approved March 2, 1899.

**St. Louis, Tecumseh and Lexington Railway Company.**—On March 9, 1899, the Acting Secretary of the Interior granted authority for the above-named company to locate and survey its line of railroad over and across Indian lands and reservations lying and being between the St. Louis and San Francisco Railway at or near the town of Stroud, in Oklahoma, and extending in a southwesterly direction by way of Tecumseh to the town of Lexington, Okla.

**Shawnee, Oklahoma and Indian Territory Railway Company.**—July 25, 1899, the Acting Secretary of the Interior granted authority for the above-named company to locate and survey a line of railroad over and across Indian lands from Shawnee, Okla., in a southeasterly direction to Coalgate, in the Indian Territory, or south thereof to a point on the Missouri, Kansas and Texas Railroad; and also from Shawnee, Okla., northward to a point intersecting the line of road of the St. Louis and San Francisco Railroad at or near Stroud, Okla.

**Tecumseh and Shawnee Railroad Company.**—July 25, 1899, the Acting Secretary granted authority for the above-named company to survey and locate its line of road through and across Indian lands lying and being between Tecumseh, Okla., and Shawnee, Okla., both termini being within Pottawatomie County, Okla.

**Eastern Oklahoma Railroad Company.**—August 1, 1899, the Acting Secretary of the Interior granted authority for the Eastern Oklahoma Railroad Company to locate and survey its line of railroad through Indian lands from Guthrie, Okla., eastward to the west line of the Creek Nation, south of the Cimarron River; also a branch line from the main line of the Atchison, Topeka and Santa Fe Railroad, beginning at the most feasible and accessible junction between the station of Bliss and the Salt Fork of the Arkansas River and extending in a southeasterly direction through the Ponca and Otoe and Missouria reservations and

the county of Pawnee, by way of the town of Pawnee, to the north line of the Creek Nation, near the confluence of the Cimarron and Arkansas rivers; also from some point on the line of road first mentioned at some accessible point in Pawnee County and extending northeasterly, by way of Stillwater, Pawnee, and Pawhuska, to a connection with the line of road of the Arkansas, Oklahoma Central and Southwestern Railway Company at or near Bartlesville, in the Cherokee Nation.

**Chicago, Milwaukee and St. Paul Railway Company.**—June 19, 1899, the Acting Secretary of the Interior granted authority for said company to make a survey for the extension of its line of road through the lands of the Yankton Sioux Indians in Bonhomme and Charles Mix counties, S. Dak.

#### SPECIAL GRANTS MADE SINCE LAST ANNUAL REPORT.

**Indian and Oklahoma Territories.**—*Arkansas and Choctaw Railway Company.*—By act of Congress approved January 28, 1899 (30 Stats., 806, and p. — of this report), the above-named company was granted right of way for the construction of a railway, telegraph, and telephone line through the Choctaw and Chickasaw nations, in the Indian Territory, beginning at the point on the boundary line between said Choctaw Nation and the county of Little River, in the State of Arkansas, where the said railway as now constructed runs; thence running by the most feasible and practicable route in a westerly direction through the Choctaw and Chickasaw nations to such point on the western boundary line of the Chickasaw Nation at or near the town of Sugden as the company may select. Three maps of definite location of 20 miles each, for the purpose of barring subsequent settlements and improvements on the company's right of way have been filed in this office. Section 7 of the act provides that a map showing the entire line of road in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of the road shall be commenced.

*Little River Valley Railway Company.*—By act of Congress approved February 4, 1899 (30 Stats., 816, and p. — of this report), the above-named company was granted right of way for the construction of a railway, telegraph, and telephone line through the Choctaw and Chickasaw nations, in the Indian Territory, beginning at the point where said railway now intersects the boundary line between the State of Arkansas and the Choctaw Nation, in Little River County, Ark., running thence by the most feasible and practicable route in a westerly direction through said Choctaw Nation to such point at or near Atoka, in said nation, as said company may select; thence from such point in a northwesterly direction up the valley of the Washita through the Choctaw and Chickasaw nations to the boundary line between the Chickasaw Nation and Oklahoma Territory; and also branch lines, beginning at the most feasible and practical points on the main line



opposite the towns of Clarkville and Paris, in the State of Texas; thence in a southerly direction to said mentioned points. No maps of definite location of the company have yet been filed for approval.

*Fort Smith and Western Railroad Company.*—By act of Congress approved March 3, 1899 (30 Stats., 1368, and p. — of this report), the above-named company was granted right of way for the construction of a railway, telegraph, and telephone line through the Choctaw and Creek nations, in the Indian Territory, beginning at a point to be selected by said company on the western boundary line of the State of Arkansas, at or near the city of Fort Smith, and running thence by the most feasible and practicable route in and through the Choctaw Nation in a southwesterly and westerly direction through the counties of Scullyville, San Boise, Gaines, and Tobucksey, and crossing the Missouri, Kansas and Texas Railway at or near the South Canadian, continuing thence westerly to the South Canadian River; thence northwesterly through the Creek Nation, Indian Territory, to a point on the western boundary thereof near the Sac and Fox Agency. The company has filed in this office, for the purpose of barring subsequent claims for damages for settlement and improvements upon the company's right of way, a map showing the definite location of the company's line of road for the first 50 miles southwesterly from the town of Fort Smith. Section 8 of the act provides that a map showing the entire line of the road in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of the road shall be commenced.

*Nez Perce Indian Lands, Idaho.*—*Clearwater Valley Railroad Company.*—By act of Congress approved February 28, 1899 (30 Stats., and p. — of this report), the above-named company was granted right of way through the Nez Perce Indian lands, in Idaho, beginning on the north side of the Clearwater River at the western boundary of the reservation; thence along the north bank of said Clearwater River in an easterly direction to a point nearly opposite the mouth of the Lapwai Creek; thence crossing to the south bank of said Clearwater River to a point within said Indian agency grounds in section 22, township 36 north, range 4 west of the Boise meridian; thence along the south bank of the Clearwater River to the mouth of the Big Canyon; thence up the Big Canyon in a southeasterly direction to the junction of the Big and Little Canyons; thence up the valley of the Little Canyon in a general easterly direction to the Boise meridian; thence along the valley of the Little Canyon in a general southerly and southeasterly direction to a divide between the watersheds of Little Canyon and Lawyers Canyon; thence in a southerly and southwesterly direction up Lawyers Canyon to the southeast boundary of the reservation. July 11, 1899, the company filed in this Department for the approval of the Secretary of the Interior four maps (in duplicate) showing the line of definite location of the road through said Indian lands, as indicated in said act of Congress.

*Clearwater Short Line Railway Company.*—By act of Congress approved March 1, 1899 (30 Stats., 918, and p. — of this report), the above-named company was granted right of way for the location and construction of a line of railroad through the Nez Perce Indian lands, in Idaho, beginning at a point on the western boundary of the reservation and thence extending in a general easterly and southeasterly direction along the bank of the Clearwater River and its tributaries to the southeastern boundary of the reservation; also for the construction of a branch line of road beginning at or near Spaulding town site, in section 22, township 36 north, of range 4 west, Boise meridian, extending in a general southerly direction to the south boundary of the reservation. June 9, 1899, the Department approved six maps of definite location of the company's main line of road and one map of the Lapwai branch, as follows:

Map No. 1. From 0 to 10.002 miles.

Map No. 2. From 10.002 to 20.975 miles.

Map No. 3. From 20.975 to 25.797 miles.

Map No. 4. From 25.797 to 44.918 miles.

Map No. 5. From 44.918 to 52.311 miles.

Map No. 6. From 52.311 to 62.819 miles.

Lapwai Branch: Map No. 1. From 0 to 12 miles.

*Omaha and Winnebago Reservations.*—*Sioux City and Omaha Railway Company.*—By act of Congress approved February 28, 1899 (30 Stats., 912, and p. — of this report), the above-named company was granted right of way for the construction of a railway, telegraph, and telephone line through the Omaha and Winnebago reservations, Nebr., beginning at a point to be selected by said railway company at or near the town of Decatur, Burt County, Nebr., and running thence in a northerly and westerly direction over the most practicable and feasible route through said reservations to a point on the north line of the Winnebago Reservation, with the right to construct, use, and maintain such tracks, turn-outs, and sidings as the company may deem it to its interest to construct and maintain. No maps of definite location of the line of road have yet been submitted for approval.

#### GRANTS REFERRED TO IN PREVIOUS ANNUAL REPORTS.

*Indian and Oklahoma Territories.*—*St. Louis, Oklahoma and Southern Railway Company.*—By act of Congress approved February 13, 1899 (30 Stats., 836, and p. — of this report), the act of Congress of March 30, 1896 (29 Stats., 30), was amended as follows:

The time for completing the survey of the entire line of said road and filing a map of the same with the Secretary of the Interior, constructing the first fifty miles and the completion of the remaining sections thereof, shall be and is hereby extended two years from the dates specified in said act.

No maps of definite location of the company have yet been filed for approval.

*Kansas, Oklahoma Central and Southwestern Railway Company.*—By act of Congress approved February 21, 1899 (30 Stats., 844, and p. — of this report), the act of Congress approved December 21, 1893 (28 Stats., p. 22), and the act approved February 15, 1897 (29 Stats., 529), granting right of way to the above-mentioned company through Oklahoma and Indian Territories, were extended for a period of three years from and after December 21, 1898; so that said company shall have until December 21, 1901, to build the first 100 miles of its railway in said Territories, and two years thereafter to complete the same. Section 2 of the act of February 15, 1897, was amended so as to give the company the right to locate and construct an extension of its main line, starting at or near Bartlesville, in the Indian Territory and extending in a south or southeasterly direction through the Cherokee, Creek, Seminole, and Chickasaw nations to a point on Red River, north of Sherman, Tex. Section 3 authorizes and empowers the company to locate and construct a branch line of road from a point at or near Stillwater, Okla., and extending thence in a south or southwesterly direction through the counties of Lincoln, Pottawatomie, Cleveland, and Oklahoma to a point on the south line of said Territory; thence south or southwesterly through the Chickasaw Nation to a point on Red River opposite the city of Henrietta, Tex. January 13, 1899, the Secretary of the Interior approved the map of definite location of section 1 of the branch line of the road from the junction with the main line in section 10, township 26 north, range 12 east of the Indian meridian to a point in section 36, township 26 north, range 13 east of the Indian meridian, in the Cherokee Nation, a distance of 25 miles; also a map of definite location of fractional section No. 2 of the branch line of the road from the end of section No. 1, as above described, to a point in section 20, township 22 north, range 1 east of the Indian meridian, Cherokee Nation, a distance of 5 miles. March 15, 1899, the Acting Secretary approved the map of definite location of section No. 1 of the main line of the road from a point near the northwest corner of the Cherokee Nation, extending southerly through the Cherokee Nation, by way of Bartlesville, and thence westerly and southwesterly into the Osage Nation to a point in section 13, township 26 north, range 11 east of the Indian meridian, a distance of 25 miles. No maps of definite location under the amendatory act of February 21, 1899, have yet been submitted for approval.

*Gainesville, McAlester and St. Louis Railway Company.*—By act of Congress approved February 25, 1899 (30 Stats., 891, and p. — of this report), the act of Congress approved March 1, 1893 (27 Stats., 522), granting the above-named company a right of way through the Indian Territory, was extended for a further period of three years from and after the passage of the act. No maps of definite location of the company have yet been filed in this office for approval.

*Denison, Bonham and Gulf Railroad Company.*—By act of Congress approved February 28, 1899 (30 Stats., 914, and p. — of this report),

the act of Congress of March 23, 1898 (30 Stats., 341), entitled "An act to grant the right of way through the Indian Territory to the Denison, Bonham and New Orleans Railway Company for the purpose of constructing a railway, and for other purposes," was amended so as to invest the Denison, Bonham and Gulf Railway Company with all of the powers and franchises granted in said act, and provides that said act shall hereafter read and be considered in all respects as if the name of the Denison, Bonham and Gulf Railway Company had been inserted in the original act in place of the Denison, Bonham and New Orleans Railway Company.

*Arkansas Northwestern Railway Company.*—By act of Congress approved March 2, 1899 (30 Stats., 995 and p. — of this report), the act of April 6, 1896 (29 Stats., 87), granting the above-named company a right of way through the Indian Territory, was amended as follows:

SEC. 8. That said railway company shall build at least 100 miles of its railway within five years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built. That said railway company shall construct and maintain continually all fences, roads, highways, and crossings, and necessary switches over said railway wherever said roads or highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

No maps of definite location of the line of the road have yet been filed in this office for approval.

*Chicago, Rock Island and Pacific Railway Company.*—The Department has approved three sectional maps of definite location of the first southwestern branch line of the company's road commencing near Chickasha, in the Indian Territory, and extending in a general westerly direction through the Kiowa, Apache, and Wichita reservations, a distance of 75 miles. The map of section 1 was approved on December 23, 1898, the map of section 2 on January 17, 1899, and the map of section 3 on March 17, 1899. Five plats of station grounds along this portion of the line of road have also been approved as follows: Plats of station grounds on the first and second 10-mile sections were approved on January 21, 1899; the plats of the fourth, fifth, and sixth 10-mile sections were approved March 29, 1899. April 20 the company tendered a draft for \$2,551.50 in payment of right of way at the rate of \$50 per mile for the first 51.03 miles of said first southwestern branch line of road. Up to that date the road had been completed by grading only this distance. June 26, 1899, the company tendered a draft for \$1,853.48 in payment of the annual tax at the rate of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1899, said tender of taxes covering the amount due on the main line of the road through the Chickasaw Nation and on the first southwestern branch line. July 19, 1899, the Department approved the plat of additional station grounds on the main line of the road near Chickasha, Indian Territory, situated in the northwest quarter of section 34, township 7 north of range 7 west of the Indian meridian,

embracing an area of 7.57 acres. The governor of the Chickasaw Nation declined to accept the statutory amount of \$25 per acre for said land, and the matter is now pending negotiations between the company and the nation as to what amount the nation will accept for said lands.

*Denison and Northern Railway Company.*—On March 10, 1899, the Acting Secretary of the Interior extended the time for the completion of the line of road of said company through the Choctaw and Chickasaw nations for two years from March 29, 1899, under the provisions of the act of Congress approved July 30, 1892 (27 Stats., 336), such extension being granted under and by virtue of the act of Congress approved March 2, 1899 (30 Stats., 990). •Section 4 of this act provides:

That the Secretary may when he deems proper extend for a period not exceeding two years the time for the completion of any road for which right of way has been granted and a part of which shall have been built.

The maps of definite location of sections 1 and 2 of the main line of the road were approved by the Department May 4, 1895, and the maps of sections 1 and 2 of the northwestern branch line of road were approved on May 25, 1899.

*Choctaw, Oklahoma and Gulf Railroad Company.*—January 18, 1899, the Secretary of the Interior approved the report of the board of referees assessing damages for land taken for additional station-ground purposes at South McAlester, Ind. T. The land taken includes 13.07 acres; damages were assessed at \$1,500. February 13, 1899, the company forwarded vouchers showing that the expenses of the referees, witnesses, and stenographer in the matter of the assessment of damages for additional station grounds at South McAlester, amounting to \$41.65, had been paid. February 18, 1899, the company submitted voucher No. 173, in the nature of a draft on the National Bank of Denison, Tex., for \$1,500, which was tendered in payment for additional station grounds at South McAlester, Ind. T. February 17, 1899, the Acting Secretary of the Interior approved map No. 13 of the definite location of the line of road of the company from Fort Reno, Okla., in a general westerly direction to the north boundary of the Wichita Reservation, a distance of about 23½ miles; plat of station grounds along that portion of the road at Calumet, situated in Canadian County, Okla. At the same time the Secretary declined to approve the map of definite location designated "fractional part of map No. 13 west from Bridgeport," through the Wichita Reservation, a distance of 18.09 miles. February 17, 1899, the Acting Secretary approved map of definite location from Howe, Choctaw Nation, eastward to the west line of Arkansas, a distance of 11.17 miles. February 17, 1899, the Department declined to accept voucher No. 4 of the company, in the nature of a draft on the State National Bank of Denison, Tex., for \$890.50, which was tendered by the company for right of way of the road at the rate of \$50 per mile for 17.81 miles of the road through the Wichita Reservation, Okla. The Department declined to accept said voucher, hold-

ing that the company had no authority to construct that portion of the road passing through the Wichita Reservation. March 15, 1899, the company submitted for record in this office a release or "satisfaction piece" of the Finance Company of Pennsylvania, releasing and discharging the mortgage made on October 3, 1894, by the Choctaw, Oklahoma and Gulf Railroad Company to said Finance Company of Pennsylvania, covering all its line of railroad, spurs, switches, side tracks, and property, said mortgage being for the sum of \$1,100,000 and having been recorded in this office October 15, 1895. May 25, 1899, the Acting Secretary of the Interior declined to approve the map of definite location of the company's line of road through the Wichita Reservation, said approval being asked for under the act of Congress of March 2, 1899 (30 Stats., 990), holding that said act did not authorize the approval of a map of definite location of a line of road which had previously been constructed. July 5, 1899, the company submitted audit voucher No. 4 in the nature of a draft on the Girard Life Insurance Annuity and Trust Company, of Philadelphia, for \$2,038.50, which it tendered in payment of the annual tax at the rate of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1899. July 8, 1899, the company tendered voucher No. 5 in the nature of a draft on the State National Bank of Denison, Tex., for \$558.50, in payment of the right of way at the rate of \$50 per mile for 11.17 miles from Howe to the west line of Arkansas.

*Gulf, Colorado and Santa Fe Railway Company.*—June 30, 1899, the company tendered a draft for \$1,500 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands, for the fiscal year ending June 30, 1899.

*Southern Kansas Railroad Company (leased to the Atchison, Topeka and Santa Fe Railway Company).*—June 29, 1899, the company submitted a voucher in the nature of a check payable at the Merchants' National Bank, New York, for \$85.50 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1899.

*Denison and Washita Valley Railroad Company.*—June 30, 1899, the company tendered audit voucher No. 530, issued by the Missouri, Kansas and Texas Railway Company for \$150 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands, for the fiscal year ending June 30, 1899.

*Kansas and Arkansas Valley Railway Company.*—July 1, 1899, the company submitted draft for \$2,444.55, which they tendered in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands, for the fiscal year ending June 30, 1899.

*Kansas City, Pittsburg and Gulf Railroad Company.*—June 23, 1899, the company tendered a draft for \$2,137.35 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands, for the fiscal year ending June 30, 1899.

*St. Louis and Oklahoma City Railroad Company.*—October 18, 1898, the Acting Secretary of the Interior approved the amended and corrected map of definite location of the company through the Creek Nation, said map being approved in lieu of the original map of definite location, which was approved by the Secretary of the Interior on October 24, 1896, and March 16, 1898, respectively.

July 5, 1899, the St. Louis and San Francisco Railroad Company, lessee of the above-mentioned company, tendered a draft for \$524.68 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1899.

*Arkansas, Texas and Mexican Central Railway Company.*—March 29, 1899, the Acting Secretary of the Interior approved the map of definite location of section 1 of the company's line of road from survey station O at Davis, Chickasaw Nation, extending in a southeasterly direction to survey station 1320 at or near the town of Reagan in said nation, a distance of 25 miles. On the same date the Acting Secretary declined to approve the three plats of station grounds along the line of road as shown upon said map, designated, respectively, Davis, Schley, Mill Creek, on account of informalities in their execution.

*White Earth and Chippewa Reservations, Minn.—Duluth, Superior and Western Railway Company.*—December 15, 1898, the Acting Secretary of the Interior approved schedule of individual damages for right of way through the allotted tracts on said reservations, amounting to \$1,376.03; also the assessment of damages for right of way through tribal lands at \$260 per mile, making a total assessment of \$9,100. February 10, 1899, the company submitted a draft for \$9,100 in payment of said tribal damages. The individual damages were to be paid directly to the several allottees. March 18, 1899, the company submitted the maps of the constructed line of road through the said reservations, the constructed line agreeing exactly with the original location, as shown upon the maps of definite location as filed by the company. March 27, 1899, the Department approved three plats of station grounds along the company's line of road within the Chippewa Reservation and one plat of station grounds within the White Earth Reservation.

*St. Paul, Minneapolis and Manitoba Railway Company.*—December 16, 1898, the Acting Secretary of the Interior approved the schedule of individual damages for right of way of the company through the Chippewa Reservation, amounting to \$481; also the assessment of damages for right of way through tribal lands at the rate of \$182 per mile, making a total assessment of \$2,730. February 10, 1899, the company submitted a draft for \$2,730 in payment of tribal damages for right of way through the Chippewa Reservation. The damages for right of way through the allotted lands were to be paid directly to the allottees. June 20, 1899, the Secretary of the Interior approved the map of the constructed line of road through the Chippewa Reservation, the constructed road differing from the line of definite location slightly. It

was thought, however, that the slight variations from the line of original location were not detrimental to the interests of the Indians. On the same date the Department approved one plat showing the definite location along the company's line of road within said reservation designated "Wilkinson," in section 32, township 144 north, range 31 west.

**Leech Lake Reservation, Minn.—Brainerd and Northern Minnesota Railway Company.**—June 1, 1899, the Acting Secretary of the Interior designated and appointed Capt. W. A. Mercer, acting agent of the Leach Lake Agency, to ascertain and determine the amount of damages resulting to the Leach Lake Indians by reason of the location and construction of the road through the tribal lands of the reservation, and also to act with and for the individual allottees in negotiating with the company for right of way through allotted tracts, such appointment being in lieu of the appointment of John H. Sutherland, United States Indian agent of the White Earth Agency, made on February 2, 1898.

**Blackfeet Indian Reservation, Mont.—Great Northern Railway Line (lessee of Western Branch St. Paul, Minneapolis and Manitoba Railway).**—July 12, 1899, the Acting Secretary of the Interior approved two plats of relocation of two certain portions of the company's line of road within said reservation, as follows:

1. From a point on said company's constructed line, 29,573 feet westerly from the center of the crossing of Curlew Creek to a point 49,170 feet easterly from the center of the crossing of the north fork of the Two Medicine River, a distance of 4.03 miles.

2. From a point 19,600 feet easterly from the center of the crossing of the north fork of the Two Medicine River to a point 3,838.3 feet westerly from said crossing, a distance of 4.44 miles.

**Omaha and Winnebago Reservations, Nebr.—Omaha Northern Railway Company.**—By act of Congress approved March 26, 1898 (30 Stats., 344), the above-named railway company was granted right of way through the Omaha and Winnebago reservations, Nebr., subject to the general conditions in such cases. December 8, 1898, the Secretary of the Interior approved the map of definite location of the line of road through said reservations; also two plats showing the definite location of station grounds along the company's line of road through said reservations. December 12, 1898, the President directed that the consent of the Indians of said reservation to the provisions of the act granting the company right of way through the reservations should be obtained by convening councils of the chiefs and other leading men of the tribes, especially including all the allottees whose individual lands were crossed by the line of the road, the council to be called by the agent in charge of the Omaha and Winnebago Agency. On December 13, 1898, the Secretary of the Interior directed that the agent of the Omaha and Winnebago Agency should act with and for the individual allottees in determining the amount of damages that shall be paid them for right of way through the allotted tracts. On March 7, 1899, and March 10, 1899, the President and the Secretary of the Interior,



respectively, approved the proceedings of the Omaha and Winnebago Indians, both tribal and individual, consenting to the construction of the road through the reservations and through the allotted tracts. The total damages for right of way through tribal lands of the Winnebago Reservation amounted to \$320.25; damages for right of way through tribal lands on the Omaha Reservation amounted to \$276.85. Damages for right of way through individual allotments were to be paid directly to the several allottees.

**Colville Reservation, Wash.**—*Washington Improvement and Development Company.*—By act of Congress approved June 4, 1898 (30 Stats., 430), the above-named company was granted right of way through the Colville Reservation, beginning at a point on the Columbia River near the mouth of Sans Poil River; running thence in a northerly direction to a point in township 37 north, of range 32 east, Willamette meridian; thence northerly to a point near the mouth of Curlew Creek; thence northerly to the international boundary line between British Columbia and the State of Washington, subject to the usual conditions. Three maps of definite location of the company's line of road through said reservation, commencing at the southerly end of Curlew Lake and extending in a general southerly direction to the Columbia River near the mouth of Sans Poil River, have been approved by the Department.

#### CONDITIONS TO BE COMPLIED WITH BY RAILROAD COMPANIES OPERATING UNDER SEPARATE ACTS OF CONGRESS.

In the construction of railways through Indian lands a systematic compliance with the conditions expressed in the right-of-way acts will prevent much unnecessary delay. I therefore quote the requirements, which have been stated in previous reports. Each company should file in this office:

(1) A copy of its articles of incorporation, duly certified to by the proper officers under its corporate seal.

(2) Maps representing the definite location of the line. In the absence of any special provisions with regard to the length of line to be represented upon the maps of definite location, they should be so prepared as to represent sections of 25 miles each. If the line passes through surveyed land, they should show its location accurately according to the sectional subdivisions of the survey; and if through unsurveyed land, it should be carefully indicated with regard to its general direction and the natural objects, farms, etc., along the route. Each of these maps should bear the affidavit of the chief engineer, setting forth that the survey of the route of the company's road from ——— to ———, a distance of ——— miles (giving termini and distance), was made by him (or under his direction), as chief engineer, under authority of the company, on or between certain dates (giving the same), and that such survey is accurately represented on the map. The affidavit of the chief engineer must be signed by him officially and verified by the certificates of the president of the company, attested by its secretary under its corporate seal, setting forth that the person signing the affidavit was either the chief engineer or was employed for the purpose of making such survey, which was done under the authority of the company. Further, that the line of route so surveyed and represented by the map was adopted by the company by resolution of its board of directors of a certain date (giving the

date) as the definite location of the line of road from ——— to ———, a distance of ——— miles (giving the termini and distance), and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the act of Congress approved ——— (giving date).

(3) Separate plats of ground for station purposes, in addition to right of way, should be filed, and such grounds should not be represented upon the maps of definite location, but should be marked by station numbers or otherwise, so that their exact location can be determined upon the maps. Plats of station grounds should bear the same affidavits and certificates as maps of definite location.

All maps presented for approval should be drawn on tracing linen, the scale not less than 2,000 feet to the inch, and should be filed in duplicate.

These requirements follow, as far as practicable, the published regulations governing the practice of the General Land Office with regard to railways over the public lands, and they are, of course, subject to modification by any special provisions in a right-of-way act.

### NEEDED PUBLICATIONS ON INDIAN MATTERS.

For many years there has been an increasing demand upon this office for a publication containing all ratified treaties and agreements made between the various Indian tribes and the United States. Such a work would be very valuable for reference by the Executive Departments of the Government, by the Indian committees in Congress when considering legislation affecting Indian tribes, and also by the several Indian tribes themselves, who are yearly becoming more intelligent and desirous of obtaining information as to what lands their forefathers occupied and claimed and how and when they were ceded to the Government. A book of this character, containing all treaties with "Indian tribes from 1778 to 1837, with a copious table of contents," and covering 699 pages, was compiled and printed in 1837 by the direction and under the supervision of the Commissioner of Indian Affairs. A republication of this work and its continuance to date upon the same method and plan is a desideratum, and I respectfully urge that Congress be requested to make the necessary appropriation to pay the expense of compiling and issuing such a publication.

I would also recommend that Congress be requested to make an appropriation to pay for the republication of the books "Executive Orders Relating to Indian Reservations," and "Laws Relating to Indian Affairs." The supply of each is exhausted, and the constant call for these two works for public distribution justifies this office in making a recommendation for a new edition of each, which should, of course, be brought down to date.

### ATTACK BY PAPAGOS OF ARIZONA ON EL PLOMO, MEXICO.

The last annual report of this office gave an account of the attack made April 14, 1898, by a band of Papago Indians from the United States upon the Mexican village of El Plomo. It was also stated that

all of the Papagos implicated in this raid had been allowed to return to their homes on parole except the four ringleaders, who, as recommended by Inspector C. F. Nesler, were to be held by the United States commissioner at Tucson for examination in September by the United States grand jury, on the charge of violating United States statute 5286. The inspector reported at the time that he deemed holding the Indians as prisoners until the meeting of the grand jury (from May 27 to September, 1898) a sufficient punishment, and had instructed the assistant United States district attorney to enter a nolle prosequi should they be indicted and brought to trial.

April 8, 1899, the office was surprised to receive from the agent of the Pima Agency, Ariz., a telegram reporting that the four ringleaders had been indicted and were about to be tried, and that they had no counsel, and he requested authority to employ counsel. April 10, 1899, the office recommended that the Department of Justice be requested to instruct the United States district attorney who had jurisdiction, to give this matter his prompt attention and to have a nolle prosequi entered and the Indians released, unless there were good reasons known to him which would render such action incompatible with the best interests of the service. April 19, the Department of Justice transmitted to this Department a report dated April 13, 1899, from Robert E. Morrison, United States district attorney for Arizona, who stated that the instructions by telegram from the Department of Justice to nolle prosequi the case reached him after it was in the hands of the jury; but that a verdict of not guilty had been rendered, which ended the matter. The Indians were therefore discharged from custody.

July 22 the Secretary of State transmitted to the Department a note received from the Mexican ambassador, which stated that while his Government respected the late decision of the court acquitting these Indians, yet it desired to call the attention of this Government to the influences which led to the acquittal, and that his Government desired that effectual steps be taken to prevent any occasion for similar complaints in future. The letter was referred to this office by the Department, with directions to instruct the agent of the Pima Agency "to take all necessary means to prevent future raids by his Indians on Mexican territory, as requested by the Mexican ambassador," and August 1, 1899, this office instructed the Pima agent to exercise the utmost diligence and watchfulness, by means of his agency police, etc., to prevent any of the Indians under his charge from interfering in any way with or molesting in any manner the persons or property of the citizens of Mexico.

#### CATTLE SMUGGLING BY INDIANS IN ARIZONA.

Growing out of the El Plomo raid came a charge that the Indians who made the raid had brought back with them into the United States cattle which they had stolen while in Mexico. Charges were also made

by H. K. Chenowett, collector of customs at Nogales, Ariz., that officials in charge of the Pima Agency had placed obstacles in the way of customs collectors who were after smuggled cattle, and that the Indians had adopted the Mexican brands, thus making it extremely difficult to detect stolen stock. Therefore request was made by the Treasury Department that instructions be issued by the Interior Department "with a view to the cooperation of the Indian service with the Treasury Department in the protection of the revenue, the observance of the sanitary laws, and to avoid internal complications which may arise from the unlawful acts of the Indians."

Accordingly Special Indian Agent S. L. Taggart, temporarily in charge of the Pima Agency, was directed June 29, 1898, to make a thorough investigation as to the basis for above charges; at the same time he was given the following general instructions:

Of course, as you are aware, it is absolutely necessary for the proper conduct of the Government business and the maintenance of harmonious relations with the border Republic that this Department should give its active support and hearty cooperation to the Treasury Department officials in the observance of the sanitary laws and the protection of the revenue. As an agent of this Department in temporary charge of the agency you are responsible for the carrying out of a proper line of policy to this end, and you should make such regulations and issue such orders, if you have not already done so, as may be necessary to secure the fullest cooperation of the officials of the Pima Agency in the matters above mentioned.

Special Agent Taggart replied August 3, 1898, that the charges were unfounded, the customs officials having, in his opinion, been misled by statements made by Mexicans, and that while the Indians under his charge had been guilty of some smuggling, yet the whites, both American and Mexican, were also engaged in cattle smuggling, and were for this purpose using the cattle brands of the Indians. These statements were submitted to the Department September 8, 1898, with recommendation that the entire matter be thoroughly investigated by a special agent from the Treasury Department, in company with one from the Interior Department, in order that they might make such recommendations and formulate such rules and regulations as would correct the evils complained of and subserve the best interests both of the Indians and of the revenue service. This recommendation being approved, the Secretary of the Treasury detailed Special Agent E. T. Stokes to cooperate with Special Indian Agent G. B. Pray, of the Interior Department, in making the investigation and formulating the desired rules. In his instructions of October 27, 1898, Agent Pray was advised that all parties should be given every opportunity to be heard, and that the joint report should be of such a character as to enable this Department and the Treasury Department to take definite action, to the end that the evils complained of might be corrected and justice done all parties concerned.

November 14, 1898, Special Agents Stokes and Pray made a joint report to their respective Departments and submitted therewith a draft

of proposed regulations for the prevention of smuggling and to obviate friction between the customs officials and Indian agents of Arizona. November 29, 1898, the Secretary of the Treasury recommended that in the event of such rules being adopted they be issued as a joint circular by the two Departments. These rules and regulations, approved by this office December 6, 1898, by the Secretary of the Interior December 8, and by the Secretary of the Treasury December 23, were issued as a circular, and are as follows:

**RULES AND REGULATIONS CONCERNING CATTLE AND OTHER STOCK.**

[Issued jointly by the Interior and Treasury Departments for the proper guidance of the customs officials of the Treasury Department and the Indian agents and subagents of the Interior Department in Arizona.]

1. All Indian stock shall be given a common or reservation brand in addition to the individual, family, or village brand now in use.
2. Indians must not be allowed to enter Mexico for the purpose of recovering stray stock, except under the direction of the agent and when accompanied by an officer or employee detailed therefor.
3. When stray stock is recovered it shall be the duty of the Indians and of the officer in charge of them to report on their return to the nearest custom-house and make entry thereof as required by law and the Treasury Regulations.
4. It shall be the duty of the customs officers before searching for smuggled stock on the reservations to report to the agent in charge. It shall then be the duty of the latter to permit such examination and search and to cooperate with the inspectors by detailing his police for the purpose and to otherwise render the officers such assistance as may be needed.
5. Customs officers in the pursuit of smuggled stock may follow the same into or upon a reservation before reporting to the agent in charge, but shall do no act other than for the detention and safe-keeping of the stock until they shall have informed the agent of their presence and the object thereof.
6. When seizure is made on a reservation or from Indians off the reservation, but under the control of the agency, the seizing officer shall promptly notify the agent, giving the number and description thereof, including the brands.
7. If claim be made by the Indians through the agent that the stock under seizure is not subject to forfeiture, pending the filing of such claim and delivery of the bond for the release thereof, said stock shall be left in the custody of the agent who shall be deemed the representative of the collector for the purpose of caring for and safely keeping said stock, and in the event of the failure of the claimant to comply with the provisions of articles 957 and 958 of the Treasury Regulations, said stock shall be delivered to the customs officers on demand.

**DEPARTMENT OF THE INTERIOR,**

*Washington, D. C., December 8, 1898.*

The foregoing rules and regulations are hereby approved.

C. N. BLISS, *Secretary.*

**TREASURY DEPARTMENT,**

*Washington, D. C., December 23, 1898.*

The foregoing rules and regulations are hereby approved.

L. J. GAGE, *Secretary.*

The Treasury Regulations referred to above are as follows, viz, Circular No. 114 of July 31, 1897.

Paragraph 473 of the act of July 24, 1897, contains the following provision:

Cattle, horses, sheep, or other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back to the United States within six months free of duty under regulations to be prescribed by the Secretary of the Treasury.

Under this provision of law the following instructions are issued:

1. The words "domestic animals," as used in said paragraph, are held to mean domesticated animals, like the horse, sheep, cow, ox, etc., as distinguished from wild animals; consequently, in passing upon applications for the free entry of animals claimed to have strayed, or to have been driven across the boundary line for pasturage purposes, the question of the place of origin of the animals need not be taken into consideration.

2. The above provision is held to apply only to animals owned in the United States which have been driven by their owners across the boundary line for temporary pasturage purposes, or which have strayed across from ranches, farms, or premises in the United States.

3. The animals on return must either be owned by the parties owning them at the time of their departure, or a bill of sale to a resident of the United States from the owner at such time must be produced.

4. The animals and offspring must be returned together within six months from date of departure from the United States; otherwise duty will be assessed thereon.

5. An export entry must be made of all animals driven across the boundary line for pasturage purposes, and facsimile marks and brands must be filed with the collector at the time of exportation.

6. The identity of such animals and their offspring must, on their importation, be established to the satisfaction of the collector of customs by the best evidence obtainable, such as brands, distinguishing marks, oath of importer, extract from the export entry, etc., and the following oath or affirmation will be exacted in all cases from the owner, viz:

I, \_\_\_\_\_, do solemnly, sincerely, and truly swear (or affirm) that I am a resident or citizen of the United States; that the (number) animals mentioned in the entry hereto annexed are, to the best of my knowledge and belief, truly and bona fide "domestic" animals, owned at the time of their departure from the United States by \_\_\_\_\_, and now owned by \_\_\_\_\_, and that said animals strayed across the boundary line or were driven to \_\_\_\_\_ solely for temporary pasturage purposes on the \_\_\_\_\_ of \_\_\_\_\_, 18\_\_\_\_, except certain of the animals described in said entry, which are, to the best of my knowledge and belief, the offspring of a portion of the said animals. \_\_\_\_\_

Sworn (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

#### *Customs regulations of 1892.*

ART. 957. If the amount of such appraisal shall not exceed the sum of \$500, such collector shall publish a notice once a week, for three successive weeks, in some newspaper of the county or place where such seizure shall have been made, if any be published in such county; but, if not, then such notice shall be published in some newspaper of the county in which the principal customs office of the district shall be situated; and if no newspaper be published in that county then notices shall be posted in proper and conspicuous public places, describing the articles seized, stating the time, cause, and place of seizure, and requiring any person claiming such articles, or any or either of them, to appear and file with such collector his claim to the same within twenty days from the date of his first publication or posting of such notice.

ART. 958. Any person claiming the property so seized, or any part thereof, may, within the time specified, file with the collector a claim stating his or her interest in the articles seized, and deposit with such collector or other officer acting as such a bond in the penal sum of \$250, with two sureties, to be approved by such collector, conditioned that in case of the condemnation of the articles so claimed the obligors shall pay all the costs of the proceedings to obtain such condemnation.

The collector shall thereupon transmit the claim, with the duplicate list and description of the articles seized and claimed, to the United States district attorney for the district, who shall proceed for a condemnation of the property in the mode prescribed by law.

February 3, 1899, these circulars were sent by this office to Indian agents in Arizona with the following instructions:

\* \* \* In order that these rules and regulation may be fully carried into effect you will furnish to any officials under your charge who may have supervision over Indians, or be in any way connected with this matter, a sufficient number of these printed rules and regulations to enable them to fully acquaint the Indians with the provisions contained therein. You should also instruct such officials under you that other new regulations must be rigorously observed by them, and that they will be held responsible for their observance by the Indians.

It would be well for you, in order to give as wide publicity as possible to the matter, to secure the publication of these new rules in newspapers and stock journals in your vicinity, where it can be done without expense to the Government. It would seem that such papers and journals would be glad to publish this as news for the benefit of their subscribers.

In fact, in this matter, it is the desire of this office that you take such action as may be necessary, in your judgment, to secure to all parties interested a full knowledge of the provisions in these joint regulations concerning cattle and other stock, which provisions must be faithfully observed and carried out.

For your information I have to add that the Treasury Department has been furnished a sufficient number of these printed rules to enable it to supply the customs officers, etc., and it is thought that such Treasury Department officials in Arizona will be fully instructed in the premises in due course of time.

In connection with carrying out the instructions given above I have to say further, that, as you may be aware, it is absolutely necessary for the proper conduct of the Government business and the maintenance of harmonious relations with the border Republic, that this Department should give its active support and hearty cooperation to the Treasury Department officials in the observance of the sanitary laws and the protection of the revenue. As an agent of this Department in charge of the agency, you are responsible for the carrying out of a proper line of policy to this end.

#### SMALLPOX AMONG PUEBLOS IN ARIZONA.

**Moquis.**—On December 14, 1898, three cases of smallpox, then already convalescent, were discovered in the pueblo of Walpi, one of the three villages of the first or east mesa of the Moqui Pueblo Reservation, Ariz. Although prompt steps were taken by the agency and school employes, the latter at Keams Canyon, only 12 miles distant, to prevent the spread of the disease, both by vaccination and quarantine, it broke out in rapid succession and raged in a most malignant form in all of the three villages of the first mesa, and soon after in the three villages of the second mesa. The population of each mesa was about 450, making a total population for the two mesas of 900. Of this number, 590 persons are reported to have contracted the disease and 184 deaths occurred.

The agency authorities, as the result of careful policing and the enforcement of effectual quarantine measures, succeeded in preventing the spread of the disease to the village of Oraibi, on the third mesa, only a few miles distant from the second mesa and containing a population of about 990 people, and for this they deserve the highest commendation. The disease was also prevented from reaching the Indian school at Keams Canyon.

By the latter part of March the disease had apparently run its course in the first and second mesas, and no new cases having appeared for some time, steps were taken at once to have all the villages in which the disease had raged thoroughly cleansed and disinfected. The Indians were bathed and given new clothing, and their dwellings and the provisions stored therein, including large quantities of corn, were thoroughly fumigated. A certain hostile element among the Moquis opposed this work of disinfection and finally retreated to the last vil-

lage of the second mesa, Samoprivi, and refused to allow that village to be cleaned. It was at last found necessary to order troops to that place to overcome the opposition.

May 23 a detachment of Troop H of the Ninth Cavalry, under the command of Lieut. M. M. McNamee, arrived at the village. The hostiles, who had all congregated in one house, still refused to surrender or to obey orders, and force had to be used before they finally submitted. This was accomplished without serious results, the conduct of the troops being most commendable. Nine of the leaders of the hostile element were placed under arrest and the work of disinfecting the village was completed. The nine Indian prisoners were taken to the Navajo Indian Agency, at Fort Defiance, where they were held until September 28, when, by permission of this office, they were released on promise of future good behavior and returned to the Moquis Reservation.

The Zuni and other Pueblo villages were also stricken with the disease, of which details are given in the annual report of the agent, herewith, page —. Beginning with Isleta in January, 1898, it reached Sandia, Santa Ana, Acoma, Laguna, Cochiti, Jemez, and Zuñi. At Zuñi it was especially virulent and 249 died. There were a few cases after February, 1899, in San Felipe, Santo Domingo, San Ildefonso, Santa Clara, and San Juan, but owing to successful vaccination in January the disease did not obtain a foothold among these pueblos, and in the last three there were no deaths. During this terrible scourge great heroism and devotion were exhibited by many employees, who remained at their posts, doing all in their power to help the miserable sufferers falling around them.

### MISSION INDIANS, CALIFORNIA.

The recent decision of the supreme court of California in favor of the plaintiffs in the cases of *J. Downey Harvey et al. v. Alejandro Barker et al.*, and *Same v. Jose Quevas et al.*, commonly known as the Warner's Ranch or Agua Caliente land cases, is likely to prove disastrous to the interests of the defendants, who are Mission Indians, and number several hundred persons.

In these suits the plaintiffs seek to recover possession of certain tracts of land in the possession of the Indians, including certain Indian villages, all within the Rancho San José del Valle, otherwise known as Warner's Ranch, in San Diego County, Cal. The plaintiffs claim title to the property in controversy through a patent of the United States issued to their predecessor, J. J. Warner, on January 16, 1880, which patent was issued pursuant to the provisions of the act of Congress approved March 3, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," and also through two grants from the Mexican Republic made, respectively, in 1840 and 1844. The defendants claim a possessory right in the nature of an easement in, or servitude upon, the property in controversy, basing their claims upon



the fact that they are, and their ancestors were, Mission Indians, and that they have been in the continuous occupancy, use, and possession of the property from time immemorial, and were in such possession at the time the plaintiff's rights thereto had their inception, viz, at the time when the Mexican Government granted, or attempted to grant, the lands to the plaintiff's predecessors in interest.

Through the kind offices of philanthropic persons, the Indians have thus far been able to defend their claims in the State courts of California, and now as the supreme court of that State, by a bare majority, has decided against them, their sole reliance lies in an appeal to the Supreme Court of the United States.

The question of taking an appeal on behalf of the Indians is now being considered by the Department of Justice.

### SEMINOLES IN FLORIDA.

As stated in the last annual report, Inspector A. J. Duncan, who was instructed to look into the matter of securing lands for the Seminoles in Florida, recommended, March 18, 1898, that certain described public lands be reserved for their use, and that other adjoining tracts be purchased for them. April 5, 1899, he further recommended that some 27,360 acres be obtained from the State of Florida, to be held for the Indians, or exchanged for other lands in Florida, and that some 41,160 acres be purchased for the Indians from the companies owning the same. In another report, dated May 12, he recommended the immediate purchase of thirteen sections, and the purchase of nine sections as soon as the appropriation for the year 1900 should become available. May 29, 1899, the Department approved his recommendation and directed this office to carry it into effect.

July 12, this office submitted to the Department two deeds from the Disston Land Company, executed June 27, 1899, the first conveying to the United States, for the use of the Seminole Indians, all of sections 23, 25, 27, 29, 31, 33, and 35, T. 48 S., R. 34 E., containing 4,490.84 acres, and the second all of sections 13, 15, 17, 19, and 21, in the same townships, containing 3,206.48 acres. The deeds and abstract of title were returned to this office August 1, with a communication from the Acting Attorney-General stating that the abstract was too meager and incomplete to enable him to form a satisfactory opinion respecting the title. They were resubmitted to the Department, with additional evidence, September 2, 1899.<sup>1</sup>

August 25, this office submitted to the Department two deeds from Frank Q. Brown, trustee, executed June 8, 1899, the first conveying to the United States, as trustee for the Seminole Indians in Florida, all of sections 22, 24, 26, 28, 30, 32, and 36, in T. 48 S., R. 34 E., containing 4,480 acres, and the second all of sections 12, 14, and 20, in the same township, containing 1,920 acres.

<sup>1</sup> Since this report was made the deeds were returned by the Department, October 17, and October 26 they were sent to Florida for record.

The purchase price of these lands is 50 cents per acre.

No information has been received concerning the proposed legislation by the State of Florida to transfer lands owned by that State which are desired for the Indians.

### REMOVAL OF CHAMBERLAIN FAMILY FROM CŒUR D'ALÉNE RESERVATION, IDAHO.

Some years ago the Chamberlain brothers and certain other persons went upon the Cœur d'Aléne Reservation, Idaho, with a view of obtaining a foothold there and asserting a right to share in Cœur d'Aléne lands and tribal funds. The office being of the opinion that they were not of Cœur d'Aléne blood, and were therefore without right upon that reservation, tried to induce them to leave it. Fred, Clement, and Dolph Chamberlain and others left the reservation, but Bartholomew, James, and Fabian Chamberlain remained and persisted in their right to do so. They made improvements upon certain lands which they selected as homes and filed a claim for \$13,340 of Cœur d'Aléne money. Their rights and claims were thoroughly investigated and a complete report of the matter was made to the Department August 15, 1898, with the following recommendations—

1. That the parties above named be not placed upon either the census or annuity rolls of the Cœur d'Aléne tribe of Indians, and that they be not in any manner recognized as Cœur d'Aléne Indians.

2. That Bartholomew, James, and Fabian Chamberlain be given a reasonable time, in the discretion of this office, in which to sell their improvements to any Indian or Indians properly belonging upon the Cœur d'Aléne Reservation and to remove therefrom.

3. That in case they failed or refused to dispose of their improvements and remove within the time allowed, authority be granted to remove them from the reservation, under section 2149 of the Revised Statutes of the United States, page 374.

August 24, 1898, the Department replied, concurring in the conclusion of the office that these parties were not and never had been legal members of the Cœur d'Aléne tribe of Indians, and that they had no rights upon the reservation nor in the tribal moneys. Their removal from the reservation was authorized, and September 23, 1898, the agent of the Colville Agency, Wash., was instructed to notify them that they would be given a reasonable time to sell their homes. The office allowed them ample time in which to dispose of their improvements and remove from the reservation, but they stubbornly refused to take any action in that direction.

On the 1st of May, 1899, this office made a second report upon the claim of Fabian Chamberlain to become a member of the Cœur d'Aléne band of Indians and to remain upon the reservation and participate in the benefits due the tribe. The Department replied May 3, 1899, that

it had considered the statements made by Mr. Fabian Chamberlain and found no reason to modify its previous decision, and in view of the leniency that had been shown in their case it directed that no further temporizing measures be tolerated, and that Fabian and his brothers, Bartholomew and James, be removed from the reservation within thirty days from the date of notice from the Indian agent in charge, the notice to be given at once.

Such instructions were given the agent May 6, 1899, and he replied that he did not have sufficient police force to accomplish the removal of these parties and requested military assistance. Accordingly the office recommended, June 2, that the War Department be requested to detail a sufficient guard of soldiers to aid the agent in effecting the removals. June 9, 1899, the War Department informed the Interior Department that the commanding general, Department of Columbia, had been directed to send an officer with a sufficient detachment to aid the Indian agent, and June 24 the agent reported that with the assistance of the military detail he had removed Bartholomew Chamberlain and his personal effects from the reservation, and also the wife and five children and household goods of Fabian Chamberlain. Fabian Chamberlain himself was at the time away from his home. James Chamberlain was also away, employed in a logging camp off the reservation, and a white man named Pence had been put upon his place. Pence was not removed because of illness in his family, but he agreed to remove from the reservation when the condition of his family would permit. The agent posted notices upon the doors of the houses of both Fabian and James Chamberlain warning them not to interfere in any manner with the premises after the date thereof under penalty of prosecution. They have returned to the reservation and instituted action in the United States court to determine their rights.

#### INDIAN TERRITORY UNDER THE CURTIS ACT.

My last annual report discussed the provisions of the act of June 28, 1898 (30 Stats., 495), "for the protection of the people of the Indian Territory, and for other purposes," otherwise known as the "Curtis act." There was also given a statement of the most radical and important changes that would be effected under the act in the administration of the affairs of the tribes in the Territory; also a comparison of the provisions of the act with those of the two agreements with the Creeks and with the Choctaw and Chickasaw nations which are embodied in sections 29 and 30 of the act.

Section 29 of the act provided that the agreement entered into between the Commission to the Five Civilized Tribes and the Choctaw and Chickasaw nations on April 23, 1897 (as amended and set forth in that section), should become law on its ratification by the Choctaw and Chickasaw Indians at an election to be called for the purpose by the executives of the nations, respectively, before the 1st day of December, 1898. Section

30 made similar provision for the ratification of an agreement made with the Creek Nation on September 27, 1897, as amended and set out therein.

The Choctaw and Chickasaw agreement was ratified at an election held in those nations on August 24, 1898, as shown by a proclamation issued by the proper officers August 30, 1898, and published in report of last year. At the date of that report no action had been taken by the tribal authorities looking to a vote on the Creek agreement, but later the principal chief of that nation called an election, to be held on November 1, 1898, for the purpose of voting on the agreement. The result of this election was the rejection of the agreement. This appears, from a report of November 22, 1898, made by Inspector Wright, to have been due to a misapprehension on the part of the people as to the effect of a negative vote. It seems that the Creeks understood that the defeat of the agreement would place them back under their old form of government, without any limitation or interference by the United States, and that after they found that the rejection of the agreement put into full operation the general provisions of the Curtis act they desired to have another opportunity to vote on it. In view of this Inspector Wright thought that a large majority of the citizens of the Creek Nation would vote for ratification if another opportunity could be afforded them. As Congress had by the law limited to December 1 the time within which the Indians would be allowed to vote on their agreement, the effect of the unfavorable vote on November 1 was to defeat it beyond hope, there being no sufficient time within which to resubmit the same before the expiration of the time limit.

At the date of the last annual report no permanent regulations had been promulgated under the various provisions of the act and of the Choctaw and Chickasaw agreement. The Department had issued some provisional instructions for the guidance of the Indian agent in the collection of the revenues of the various tribes pending the formulation of the regulations required under the law and agreement for the orderly and proper administration of affairs.

In this report it is proposed to state, as briefly as may be consistent with clearness, the action taken since the last report in the execution of the Curtis act, and discuss the questions that have arisen involving the construction of various provisions of the law, with the rulings of the Department thereon.

The first important step that was taken by the Department under the act was the location in the Indian Territory, under the provisions of section 27, of an inspector with authority to supervise the management of the affairs of the various tribes coming under the control of the Government. This responsible duty was imposed on Mr. J. George Wright, who for a number of years had been connected with the Indian service, first as Indian agent at the Rosebud Agency, S. Dak., and

afterwards as an Indian inspector, and whose qualifications for the work were beyond question. Inspector Wright was first ordered to locate at Muscogee on August 17, 1898, to which place he at once repaired for the purpose of a preliminary investigation of the situation generally. October 6, 1898, he was given detailed instructions by the Department, in which his authority was fully defined and in which he was directed to return to the Indian Territory and take complete supervisory control of all the affairs of the Indian agency, and of all other matters whatsoever over which the Government was charged by the act or any other law of Congress to exercise authority, except the matters coming under the control of the Commission to the Five Civilized Tribes. Since his assignment to this work Inspector Wright has been constantly engaged in dealing with the many questions that have arisen in the Territory, and the manner in which he has treated the subjects on which it has been necessary for him to report through this office gives proof that no mistake was made in his selection for the important station of United States Indian inspector for the Indian Territory.

The matters in the Territory may be divided for convenience into three parts, the first being matters over which Inspector Wright and the Indian agent under his supervision have control, and embracing three general subjects—to wit: (1) Educational matters; (2) mining leases, and (3) collection of revenues; the second being matters with which the Commission to the Five Civilized Tribes, otherwise called the Dawes Commission, have to deal, and the third embracing the matters relating to the laying out, surveying, appraising, and selling the town sites in the various nations.

Taking up for discussion the subjects in the order in which they are above given, the first subject in the first division is—

#### EDUCATION.

Under the authority vested in him by section 19 of the act of Congress approved June 28, 1898, entitled "An act for the protection of the people of Indian Territory, and for other purposes," commonly known as the Curtis act, which provides—

That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him. \* \* \*

the Secretary of the Interior has assumed charge and control of the schools and orphan asylums of each of the Choctaw, Chickasaw, Creek, and Cherokee nations in Indian Territory. These comprise all of the Five Civilized Tribes with the exception of the Seminoles, between which nation and the Dawes Commission, representing the United States, an agreement was entered into and approved July 1, 1899, in which agreement it is provided that—

One hundred thousand dollars of the funds belonging to the Seminoles, now held by the United States, shall be set apart as a permanent school fund for the education

of children of the members of the said tribe, and shall be held by the United States at 5 per cent interest, or invested so as to produce such amount of interest, which shall be, after extinguishment of tribal government, applied by the Secretary of the Interior to the support of Mekasuky and Emahaka academies and the district schools of the Seminole people. \* \* \*

by the terms of which it would appear that the Secretary of the Interior has no authority over the schools in said nation so long as the tribal government exists. In the cases of the Choctaw and Chickasaw nations additional authority over schools is vested in the Secretary of the Interior by the terms of an agreement entered into between said nations and the Dawes Commission, representing the United States. Said agreement is incorporated into the Curtis act aforesaid, as section 29 thereof, in which it provides that—

It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted) so that each and every member shall have an equal and undivided interest in the whole. \* \* \* The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. \* \* \*

All coal and asphalt mines in the two nations, whether now developed or hereafter to be developed, shall be operated and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

The governors of the Choctaw and Chickasaw nations, respectively, have expressed their opinions that these provisions authorize the Secretary of the Interior to assume control of the schools of their respective nations, and are anxious that the funds mentioned shall be used for educational purposes under rules and regulations prescribed by said Secretary of the Interior.

For the reason that to have done so would have occasioned a large increase in the clerical work of the Indian Office, for which it was not prepared, the incorporation of these schools and orphan asylums into the regular system of the Government Indian school service has not been deemed practicable or expedient. Therefore, "Regulations concerning education in the Indian Territory" were formulated in the Indian Office, which received the approval of the Secretary of the Interior, and under the provisions of which the school officials of the Interior Department in said Territory are now acting.

The executive head of the schools in the Indian Territory is the "Superintendent of schools in Indian Territory," who is appointed by the Secretary of the Interior, and has general supervision of school matters in the several nations to which the regulations apply. He reports to the Indian Office through the United States Indian inspector for the Indian Territory. The first report of the superintendent of schools, before assuming charge, but after a careful investigation of the whole field, disclosed the fact that the affairs of the schools and orphan asylums in these several nations were in a most unsatisfactory and unstable condition; that many of the school officials of the several

nations were incompetent; that favoritism in the matter of the appointment of teachers and other employees was freely practiced; that undue influence has sometimes been exerted in order to obtain positions in the school service, and that school funds in some instances have been negligently and carelessly expended. This report, indorsed by the United States Indian inspector for the Indian Territory, made it clearly apparent to the Department that immediate steps should be taken to eradicate the evils mentioned, and the United States Indian inspector and the superintendent of schools were accordingly advised that the "Regulations concerning education in the Indian Territory" were applicable to the schools and orphan asylums in each of the Choctaw, Chickasaw, Creek, and Cherokee nations, and said officials were charged with their enforcement.

Under the superintendent of schools in Indian Territory, and subject to his directions, is a "supervisor of schools" for each of the Choctaw, Chickasaw, Creek, and Cherokee nations, whose duty it is to visit and inspect the schools and orphan asylums of the nation for which he is appointed, and to assist in their organization, reorganization, report his recommendations, and to perform such other duties as properly appertain to his position.

It is provided in the regulations that each boarding school or orphan asylum is to be under the immediate charge of a contractor, who is to act as superintendent. This contractor is to receive no salary, but is to enter into a contract with the Commissioner of Indian Affairs to manage the school, and to teach, lodge, clothe, and board a certain number of pupils at an agreed rate per quarter. The number and kind of employees at each school or orphan asylum are to be named by the Secretary of the Interior, the salaries of such employees to be paid by the United States Indian agent for the Union Agency.

Although work in connection with these schools is as yet embryonic in character and extent, reports concerning the same have been gratifying, and more satisfactory results are hoped for and expected as soon as the United States has more completely asserted its authority over said schools. Some slight opposition has been encountered on the part of some of the officials who are averse to being divested of their power over the schools, but it is thought that the concessions which were made have in a manner obviated a considerable part of it.

The "Regulations concerning education in the Indian Territory" have been formulated as a temporary expedient, and it is not contemplated that in their present form they shall be permanent.

These regulations provide for the appointment of a general superintendent of schools in Indian Territory at a salary of \$3,500 per annum and in pursuance of this authority Mr. John D. Benedict, an able and representative educator of Illinois, was on February 10, 1899, appointed. Mr. Benedict entered upon his duties with a zeal and tact which produce most excellent results in rescuing the educational matter of the Indians from their present chaotic condition. The labors of

dent to the position are so numerous that assistance was required, and April 20, 1899, the following supervisors of schools were appointed: E. T. McArthur, of Minnesota, for the Choctaw Nation; Benjamin S. Coppock, of Oregon, for the Cherokee Nation; Calvin Ballard, of Illinois, for the Creek Nation; and John M. Simpson, of Wisconsin, for the Chickasaw Nation. These officials promptly entered upon the discharge of their respective duties, and have rendered valuable assistance to the superintendent in the collection of data and statistics relating to the several schools.

The Five Civilized Tribes occupy all of Indian Territory except a very small portion. It approximates in size the New England States, with the exception of Maine, and comprises about 40,147 square miles of rich and arable land. The first settlement in the Territory was made by the Creek Indians in 1827. In 1829 this country was set aside for the use of certain Indians. The tide of immigration, rolling westward from the Atlantic Ocean through the Southern and Gulf States, soon came into conflict with the great Indian tribes occupying that country, and from 1803 to 1824 these conflicts were of grave and serious character. The Government was of necessity compelled either to exterminate these tribes or remove them from the rich districts now being overrun by white settlers. The latter course prevailed, and President Monroe in 1824 recommended to Congress that these Indians should be removed west of the Mississippi. Six years after, under President Jackson, their removal was ordered, and in 1832 Indian Territory was set apart for the Five Civilized Tribes. The next year the exodus of the Choctaws, Chickasaws, Creeks, and Cherokees began, but it was not until 1846 that the Seminoles were finally placed in their new homes. The rich and fertile fields of Indian Territory were given these tribes in exchange for the lands which their ancestors had held, while in many instances they were paid certain sums of money as a difference in valuations.

The Five Civilized Tribes presented a fruitful field for the missionary efforts of the churches, and soon they began to found missions and schools. The Presbyterians, Baptists, and Methodists established substantial boarding schools, and for years they were maintained entirely by the religious bodies under whose auspices they were established. For some time this condition of affairs prevailed, and the untiring zeal and energy of missionaries and teachers gained the confidence, respect, and love of the Indians. Their schools and churches were centers from which emanated a civilization which was reflected by those with whom they came in contact. As the years rolled by, however, the various councils of the different nations were induced to make annual appropriations, supplementing with material aid the efforts of the churches for their advancement. As the Superintendent of Schools in Indian Territory states:

So long as these mission boards remained in charge of these schools the educational affairs of the Territory progressed fairly well, but there came a time not many



years ago when the Indian authorities thought themselves wise enough to control these schools and appoint the teachers and superintendents therein. Many an honest old Indian looks back to that time with regret, and it is very generally conceded that the schools of the Territory have not made any material advancement since that change was made. Too much can not be said in praise of the earnest efforts of these various mission boards to civilize, educate, and Christianize the Indians. Their influence is yet everywhere visible. A few of their schools are still continued under their own management, and those schools are among the best in the Territory. As soon as the Indian authorities assumed control of these schools, many of their officials began the practice of such extreme favoritism and partisanship in their management as to render educational progress an absolute impossibility. Here and there has occasionally been found an educated Indian school official who seemed to appreciate the necessity and the value of thorough educational work, but in most cases his efforts to build up the school have been thwarted by his more ignorant colleagues, who seemed to regard it their first duty to secure positions for their relatives and political friends regardless of their qualifications.

The attention of the office has been directed to the fact that in one of the nations this nepotism and favoritism have been carried to such extent that the chairman of the school board has in office his sister, two sisters-in-law, his uncle, his niece, his brother-in-law's daughter, and six cousins. The secretary of the board stands related to appointments as follows: One brother, two brothers-in-law, one uncle, one aunt, and five cousins. All the reports to this office concerning educational matters in the Territory indicate a lack of management, a most demoralized condition, and a deplorable state of affairs in the administration of the schools and orphan asylums of the several nations. The principal defects in the system under which these schools have heretofore been operated are said to be incompetency of school officials, favoritism in the matter of appointment of teachers, bribery, and carelessness or indifference in the expenditure of school funds. In the opinion of this office such evils existing and allowed to exist are detrimental in the highest degree to the interest of the children in these schools and orphan asylums. Better they never learned the letters of the alphabet, or that two and two make four, than, at the period of their lives when they are most apt to be influenced by example, they should be educated in the midst of and surrounded by so much corruption.

There are twenty-one boarding schools in the Territory, and it is reported that not more than four of the superintendents are competent to teach the ordinary English branches, yet these important and responsible superintendents' positions "have been regarded as political perquisites and no educational standard or requirement is demanded of them." The superintendents usually appoint the teachers in charge of the neighborhood schools and employed in the boarding schools. The schools, therefore, reflect the incompetency of their heads, and the work performed must necessarily be of an exceedingly low grade. Parents do not appreciate the importance of regular attendance upon the schools, and superintendents and teachers do not stimulate them to send their little ones, nor, in one sense of the word, can blame attach to a parent who is unwilling to place his children under such incompetent instructors.

The financial management of the boarding schools is most deplorable. "For a boarding school of 100 pupils, it has been customary for the Indian authorities to annually appropriate \$10,000 for board, clothing, medical attendance, and books. One-fourth of this amount is paid in warrants to such superintendent in advance at the beginning of the quarter. The superintendent has been allowed to dispense these warrants as he pleased, often discounting them for cash or trading them to merchants for provisions." Such procedure upon the part of the manager of a boarding school or orphan asylum engenders carelessness in expenditures and frequently causes a deficit. If the hardship would fall alone on the superintendent it might be overlooked, but in many instances teachers have to wait a year or more for their salaries, or heavily discount the warrants issued to them. Merchants who furnish supplies for the maintenance of the school are also compelled to discount their warrants or wait long terms for payment. Taken in connection with their own family circle of employees and the general conduct of the school, it seems that the superintendents are only interested in the school to the extent of the amount of money they may be able to make out of the institution. Such financial mismanagement hurts the morals of the pupils and does not tend to elevate the character of the Indians.

The ignorance of the superintendents in matters of scholastic training and technical knowledge necessarily establishes a low standard in the matter of instruction. The course of instruction can in no sense of the word be compared to the excellent one used in the regular Government Indian schools throughout the country, and yet the idea has prevailed that the Five Civilized Tribes were competent to formulate and carry out a good system of education. The necessity for learning the English language—the language which these children must use in their ordinary dealings with the whites—does not appear to be considered in the curriculum. Superintendents or teachers do not appreciate the importance of teaching it to the children, and rather seem to discourage its use by conversing with them in their own dialect. The majority of the teachers are natives of the Territory, and some are white. Very few have ever had any normal training, although many of them have expressed to the Superintendent of Schools a desire to better prepare and fit themselves for the positions which they hold, attributing their want of preparation to the lack of encouragement and intelligent supervision upon the part of their superior officers. Under the system under discussion, a conscientious teacher has very little true ambition to better the condition of the pupils, as his position is dependent upon the whims and caprices of incompetent officials.

Indian Territory is essentially an agricultural and stock-raising community. By one or the other of these pursuits must the great majority of the people earn their livelihood in the future. Yet industrial training of any character, especially that tending toward the pursuits they

must hereafter naturally follow, is unheard of in their schools. It is unquestionable that the breaking up of Indian Territory and its resolution into the condition of the remainder of the country is only a matter of time, and then these boys and girls must receive a proportion of the public domain for their separate use. The course of study pursued at the various schools is in the line of training for a collegiate course looking to a professional life. Girls, instead of being taught the domestic arts, are given a course of Latin and mathematics, while such simple arts as sewing, cooking, and other branches of domestic economy are studiously neglected. The dignity of work receives no attention at their hands. Although each of their boarding schools has a farm surrounding it, no attention is paid to teaching the boys to become better farmers or stock raisers, either with an educative value or as a matter of reducing expenses at the school. In other words, at the present time these schools are not in line with the best thought so far as educational matters are concerned.

The laws, customs, and statistics relating to the school system in each of the several nations are briefly as follows:

**Cherokee Nation.**—The schools in this nation have been under control of a board of education, consisting of three members, all of whom are appointed by the principal chief, which board appoints all teachers, fixes their salaries, and has general supervision over all schools in the nation. There are four boarding schools, as follows: National Male Seminary, National Female Seminary, National Orphan Asylum, and Colored High School. The Male Seminary is probably the oldest school building in the Territory, and has accommodations for 175 pupils. The following table shows for the past year the enrollment, average attendance, etc., of the schools of this nation:

	Enroll- ment.	Average attend- ance.	Months of school.	Annual cost of mainte- nance.	Average annual cost per pupl.	Number of em- ployees.
Male Seminary.....	90	78	9	\$11,625	\$149	13
Female Seminary.....	125	105	9	18,500	176	15
Orphan Home.....	129	110	9	15,000	136	15
Colored High School.....	25	20	9	3,500	175	7
Total.....	369	813	9	48,625	155	50

**Choctaw Nation.**—The control of the schools in this nation has been under a board of education, consisting of five members, the principal chief, a superintendent of education, and three district trustees. The entire control and management of the schools in this nation have been surrendered to the Government and the principal chief, who is a progressive Indian, interested in the welfare of his people, seems pleased at his release from responsibility. The three trustees, who have been each controlling one-third of the schools, are intelligent Indians, and loyally supporting the efforts of the General Government for their bet-

terment. The following table shows for the past year the enrollment, average attendance, etc., of the schools of this nation:

	Enroll- ment.	Average attend- ance.	Months of school.	Annual cost of mainte- nance.	Average annual cost per pupil.	Number of em- ployees.
Jones Academy (male).....	85	75	10	\$15,000	\$200	12
Spencer Academy (male).....	84	70	10	15,000	214	12
Tushkahoma Female Institute.....	90	75	10	15,000		10
Armstrong Orphan Academy (male).....	65	62	10	9,000	145	8
Wheelock Orphan Academy (female).....	60	50	10	8,000	160	8
<b>Total</b> .....	<b>384</b>	<b>332</b>	<b>10</b>	<b>62,000</b>	<b>184</b>	<b>50</b>

**Creek Nation.**—The entire control of the schools in this nation has been under a superintendent of education appointed by the principal chief. This superintendent has appointed all superintendents and all teachers in the sixty-five neighborhood schools. He could remove at pleasure any superintendent or teacher. Although large sums of money have been spent, it is reported that not a dozen pupils could be found in any of these schools who could be classed as high-school students. The following table shows for the past year the enrollment, average attendance, etc., of the schools of this nation:

	Enroll- ment.	Average attend- ance.	Months of school.	Annual cost of mainte- nance.	Average annual cost per pupil.	Number of em- ployees.
Enfauia.....	100	71	9	\$9,600	\$135	10
Creek Orphan Home.....	60	52	9	7,266	140	8
Euchie.....	70	65	9	7,700	118	8
Wetumka.....	100	85	9	9,600	110	12
Coweta.....	50	37	9	5,000	135	9
Wealaka.....	50	45	9	5,000	118	8
Tallahassee.....	80	66	9	9,600	144	10
Colored Orphan Home.....	35	24	9	3,833	138	6
Pecan Creek.....	60	52	9	5,000	100	7
Nuyaka.....	100	89	9	10,500	100	15
<b>Total</b> .....	<b>705</b>	<b>586</b>	<b>9</b>	<b>73,099</b>	<b>125</b>	<b>93</b>

**Chickasaw Nation.**—The legislature has appointed a superintendent of public instruction to control these schools. Boarding schools, however, are let by contract for a term of five years. This nation has on its statute books a law passed in recent years which provides that all citizens, school teachers who may wish to teach school in this nation, shall not be required to undergo an examination as to his or her qualifications as a teacher before being permitted to teach said schools. The following table shows for the past year the enrollment, average attendance, etc., of the schools of this nation:

	Enroll- ment.	Months of school.	Annual cost of mainte- nance.	Average annual cost per pupil.	Number of em- ployees.
Chickasaw Orphan Home.....	60	10	\$9,000	\$150.00	9
Wapanucka Institute (male).....	60	10	9,600	160.00	8
Collins Institute (female).....	40	10	6,000	150.00	6
Harley Institute (male).....	60	10	10,000	166.00	8
Bloomfield Seminary (female).....	80	10	12,500	156.25	10
<b>Total</b> .....	<b>300</b>	<b>10</b>	<b>47,100</b>	<b>157.00</b>	<b>41</b>

**Seminole Nation.**—As yet no attempt has been made to take control of the Seminole schools pending their agreement. The following table shows for the past year the enrollment, average attendance, etc., of the schools of this nation:

	Enroll- ment.	Average attend- ance.	Months of school.	Annual cost of main- tenance.	Average annual cost per pupil.	Number of em- ployees.
Mekusukey Male Academy.....	100	65	8	\$10,500	\$160	10
Emahaka Female Academy.....	100	80	8	10,500	131	10
Total .....	200	145	8	21,000	145	20

The boarding schools of the various nations appear to be the favored institutions, and it is not unusual to find four or five children of one family in such a school, while some Indians who have reared large families of children have never been able to get them assigned to such a school. The money of the nations seems to have been expended upon these institutions, while the little districts desiring school facilities must erect their own neighborhood schools, and as a natural result they are cheap and squalid affairs, unfitted for the purposes for which they are intended.

**Neighborhood schools.**—The following table gives the statistics, number of neighborhood schools in each nation, their cost (so far as obtainable from meager statistics), and enrollment:

Nation.	Number of schools.	Annual cost.	Enroll- ment.
Cherokee.....	124	\$30,780	4,258
Choctaw .....	160	35,000	.....
Creek .....	65	17,100	.....
Chickasaw .....	13	26,000	355
Seminole .....	2	500	.....
Total .....	365	113,880	.....

**Choctaw and Chickasaw Freedmen.**—The freedmen of these two nations are, by agreement, prohibited from sharing in the school funds of either nation which are derived from royalties on coal and asphalt. These freedmen do not stand in the same relation as “intruders,” but have certain rights as citizens. They are very poor, and some provision must be made for their education.

**White Persons.**—There are said to be over 200,000 white people in the Indian Territory, which would give a white scholastic population of probably forty or fifty thousand. No general provisions have been made for their education, although in some of the towns and cities efforts are made in that direction. The condition of these children is as deplorable, if not more so, as that of the Indians. They are practically without school facilities, their parents are taxed by the Indian authorities, and yet none of this money is utilized for the benefit of their

children. It should not be overlooked that these people came to the Territory by and with the consent of the Indians. They have made their homes among them, built towns and cities, improved farms, and developed the country. Almost every character of business or profession in which they are engaged pays a tax of some kind into the several treasuries. They are required to pay poll tax in some cases, and therefore some steps should be taken to provide proper facilities for caring for this large army of young Americans growing up in the midst of these Indian communities. If there is one place more than another which demands educational facilities it is for the children of the white settlers in Indian Territory. The attention of this office has been called to the large number of indigent orphans throughout the several nations, their parents coming from distant States, settling among these Indians, and connection with their former home broken or forgotten, leaving little children without any means of support or anyone to care for them. There is no organized charity upon the part of the various Indian nations or among the whites themselves. The little ones are helpless, pitiable creatures. Rev. W. T. Whitaker, of the Cherokee Nation, has organized an orphan asylum for the benefit of these children. He seeks by correspondence to find the friends and relatives of the orphans who may be brought to him. Failing in that he endeavors to take care of them in as comfortable a manner as the limited means at his disposal may permit. He has struggled hard to found an orphan asylum, but being supported by voluntary contributions throughout the country, it maintains but a precarious existence. Such an institution is an absolute necessity in that community, and by placing the little ones in an atmosphere of morality and refinement it may be possible to save the Government thousands of dollars in criminal prosecutions.

**Population.**—The following is an estimate of the total population of Indian Territory compiled from the records of the Dawes Commission:

Cherokee Indians .....	30, 000
Cherokee freedmen .....	4, 000
Total .....	34, 000
Choctaw Indians .....	14, 500
Choctaw freedmen .....	4, 500
Total .....	19, 000
Creek Indians .....	10, 000
Creek freedmen .....	4, 500
Total .....	14, 500
Chickasaw Indians .....	6, 000
Chickasaw freedmen .....	4, 500
Total .....	10, 500

Seminole Indians .....	2,000
Seminole freedmen .....	1,000
<b>Total .....</b>	<b>3,000</b>
<b>Total number of Indians in Indian Territory .....</b>	<b>62,500</b>
<b>Total number of freedmen in Indian Territory .....</b>	<b>18,500</b>
<b>Total white population in Indian Territory .....</b>	<b>200,000</b>
<b>Total population of Indian Territory .....</b>	<b>281,000</b>

Based upon the above figures, there is approximately in these nations a scholastic population as follows: Indians, 12,500; freedmen, 3,700, and whites, 40,000. All these children are, under the enlightened policy of the United States, entitled to the benefits of a good common-school education.

The following table is a recapitulation of the number, enrollment, average attendance, etc., of the schools in the various nations:

Nation.	Number of schools.	Enrollment.	Average attendance.	Months of schools.	Annual cost of maintenance.	Average annual cost per pupil.	Number of employees.
Cherokee .....	4	369	313	9	\$48,625	\$155	50
Choctaw .....	5	384	332	10	62,000	144	50
Creek .....	10	705	586	9	73,099	125	93
Chickasaw .....	5	300	250	10	47,100	157	41
Seminole .....	2	200	145	8	21,000	145	20
<b>Total .....</b>	<b>26</b>	<b>1,958</b>	<b>1,626</b>	<b>.....</b>	<b>257,824</b>	<b>155</b>	<b>254</b>

<sup>1</sup> The average attendance has not been reported to this office, and 250 is estimated average attendance.

It will be observed from the above table that the maximum amount per capita for the support of the boarding schools is paid in the Choctaw Nation, and the lowest in the Creek. The average cost of these schools is about the same as that of the regular Indian schools, but the comparison stops at that point. The educational and industrial advantages of the latter schools are very marked, especially in those lines which are best adapted for the formation of habits of thrift, energy, and independence. At the average price paid for the support of these schools, if they were conducted upon the same economical lines as the other Indian schools, there would be prompt improvement in the character of the service, and results would soon convince the most skeptical that an early abandonment of the present unsatisfactory and half-hearted system was a matter of necessity. Under proper control and intelligent management the incompetency and wastefulness so general would be discontinued, and the children now growing up in ignorance or given a useless education, would have advantages which their red brothers outside of the Territory are enjoying. The only hope of permanent and lasting results, in preparing the Five Civilized Tribes for citizenship and Statehood, must come through complete Government control of the entire educational machinery. The wasting of thousands of dollars annually in crude and sometimes vicious methods of dealing with this important branch of Indian civilization should no longer be

tolerated, as the little children, the strong hope of the nations, are now retrograding rather than advancing. Radical changes in the conduct of their schools must be made to secure the best results from the funds available. The great mass of whites in the Territory desire and must eventually succeed in securing educational advantages to their children. Public policy demands it and therefore it is only a matter of time. In the meanwhile, however, under present methods the Indian is not progressing, and when these fertile lands are erected into a separate government, unless there is a change, its people will be confronted with a more serious Indian problem than was ever before the country. The mass of Indians recognize the defects of the present system, and feel the evil effects of favoritism for the children of their more powerful neighbors. The condition of the schools is a startling commentary upon the past management of the tribal governments, and the sooner the blot is wiped off the Territory the sooner will these Indians be entitled to the appellation of "civilized."

The reports indicate that these people are Indians; that the masses, especially the full bloods, are not receiving their due proportion of the funds appropriated ostensibly for all; that the teachers are employed for every reason except qualification; that unjust discriminations are made between those entitled to share in a common benefit; that the educational methods are unsound and unfitted to the people; therefore the adequate remedy lies in the control of their schools being taken entirely from the tribal authorities and vested in the Government, which owes it to the national humanitarian progress of the age to give these Indians, out of their own ample tribal funds, a practical educational system adapted to their needs and the needs of the times. Unless full control is taken it will be better to let the tribes continue to bear the heavy responsibility which has been placed upon them, and which, neither by education nor training, are they fitted to assume.

#### MINING.

The second subject is the leasing of lands for mining purposes. This must be treated of in two parts, the one relating to leasing under the Choctaw and Chickasaw agreement and the other to leasing under section 13 of the act.

As stated in the report of last year, the office, pursuant to informal instructions of the Department, submitted, July 30, 1898, a draft of rules and regulations to govern leasing under said section 13. These, however, were not approved at the time on account of unsettled conditions growing out of the uncertainty as to whether the agreements would be ratified by the Indians, and also on account of the opposition of the people and authorities of the Cherokee Nation to the leasing of the mineral lands in that nation until an opportunity had been given for them to come to an agreement with the Dawes Commission. A further cause of delay in the promulgation of regulations was the fact that



Inspector Wright, who, as above set forth, had been selected to superintend the administration of affairs in the Territory, had proceeded to the Territory for the purpose of making a general investigation into conditions, with a view to furnishing the Department with information upon which intelligent action might be taken in prescribing regulations and in the formulation of plans for the execution of the law.

**Choctaw and Chickasaw Leases.**—When Inspector Wright returned to the city in the latter part of September this office, under the informal direction of the Department, submitted a draft of regulations to govern the leasing of mineral lands in the Choctaw and Chickasaw nations under the provisions of the agreement. This draft, with slight modifications, was approved by the Secretary of the Interior October 7, 1898, and also a form of lease and of a bond to be entered into by the lessee, all of which were published in the appendix to the Annual Report of this office for 1898, page 545.

The agreement provides for the leasing of the minerals in the Choctaw and Chickasaw nations by two trustees to be appointed by the President, one, who shall be a Choctaw by blood, on the recommendation of the principal chief of the Choctaw Nation, and the other, who shall be a Chickasaw by blood, on the recommendation of the governor of the Chickasaw Nation. To fill these offices the principal chief of the Choctaw Nation nominated Mr. Napoleon B. Ainsworth and the governor of the Chickasaw Nation nominated Mr. Lemuel C. Burris. The appointment of these gentlemen was made by the President and commissions were issued to them October 8, 1898, and Inspector Wright was instructed to direct them to enter upon their duties under the act and regulations. It appears from a report of May 3, 1899, which was transmitted to the Department May 29, 1899, that they did not enter regularly upon their duties until December 1, 1898.

The regulations prescribed October 7, 1898, provided for royalties for the different classes of minerals, as follows:

Royalties shall be required of all lessees as follows, viz:

On coal, 15 cents per ton for each and every ton of coal produced weighing 2,000 pounds.

On asphalt, 60 cents per ton for each and every ton produced weighing 2,000 pounds.

The right is reserved, however, by the Secretary of the Interior in special cases to either reduce or advance the royalty on coal and asphalt on the presentation of facts which, in his opinion, make it to the interest of the Choctaw and Chickasaw nations, but the advancement or reduction of royalty on coal and asphalt in a particular case shall not operate in any way to modify the general provisions of this regulation fixing the minimum royalty as above set out.

On gilsonite, elaterite, and other like mineral substances the royalty shall be fixed according to the comparative market value of the same to the value of asphalt.

On oil, 10 per centum of the value of all oil produced, the royalty to be ascertained on the value of the oil produced in its crude state, and on all other minerals, such as gold, silver, iron, and the like, as follows, sampling charges to be first deducted: On all net smelter returns of ore of \$50 per ton and under, a royalty of 10 per cent; on all net smelter returns of ore over \$50 per ton and less than \$150 per ton, a roy-

alty of 15 per cent; on all net smelter returns of ore over \$150 per ton and less than \$300 per ton, a royalty of 20 per cent; and on all net smelter returns of ore over \$300 per ton, a royalty of 25 per cent.

*Provided*, That all lessees shall be required to pay advanced royalties, as provided in said agreement, on all mines or claims, whether developed or not, to be "a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments," as follows, viz:

One hundred dollars per annum in advance for the first and second years; \$200 per annum in advance for the third and fourth years, and \$500 in advance for each succeeding year thereafter; and that, should any lessee neglect or refuse to pay such advanced royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and all royalties paid in advance shall be forfeited and become the money and property of the Choctaw and Chickasaw nations.

Previous to the promulgation of said regulations there had been filed in the Department by several parties most interested in the matter a joint petition, dated September 9, 1898, praying that the royalty on coal be reduced, and alleging that the royalty prescribed in the agreement (being the same as set out in above regulations) was unreasonable and excessive and should be reduced for the best interests of the Indian nations affected as well as the petitioners; that it would not be practicable to mine coal successfully in the Indian Territory if the royalty were not reduced to a reasonable basis; that royalties fixed by the agreement and the then existing leases were higher than paid elsewhere in this country, and greatly higher than were paid at the mines within the States of Arkansas, Kansas, Missouri, Texas, Colorado, and Alabama, the product of which comes into competition with the Indian Territory coal in the markets; and that the coal deposits in the Choctaw Nation are practically inexhaustible and can be mined greatly to the benefit of the Indians if a reasonable royalty be fixed.

November 11 the petitioners were notified that the Department would give them a hearing on the 23d of that month, but at the request of the petitioners' counsel a postponement was had until December 12, 1898. The petitioners and the Choctaw Nation were represented by counsel at this hearing, but it does not appear that the Chickasaw Nation was represented in any way. After due consideration of the question the Department reached the conclusion that the royalty fixed in the regulations was so high as to be almost prohibitive and should be reduced. Consequently, in a letter of January 6, 1898, addressed to this office, the regulations were modified, reducing the royalty on coal to 10 cents per ton. I quote from the letter of the Department the last two paragraphs, as follows:

The Secretary is authorized by the said agreement, now a law of Congress, as hereinbefore pointed out, to advance or reduce royalties on coal only "when he deems it for the best interests of the Choctaws and Chickasaws to do so." It was evidently intended that royalties should be fixed upon a revenue basis and not that they should be prohibitive. If, as appears from showing made, the royalty fixed by existing regulations is practically prohibitive, the best interests of these Indians require that it be reduced at once to a revenue basis. Such a basis will not be

reached until the lessees of Indian coal lands can place their product on the market in successful competition with the similar products of the adjoining States. The Secretary is well convinced that the royalty now required is too high to permit this to be done. Upon very careful and painstaking consideration of the subject he has reached the conclusion that the best interests of the said nations will be subserved, under existing conditions, by a royalty of 10 cents per ton of 2,000 pounds of coal screened over meshes 1 inch square. This royalty, it is estimated, will yield a revenue upon each acre of coal mined of about \$300,000.

The regulation in question is therefore hereby modified in accordance with the views herein expressed, and the regulation issued by the Department on November 4, 1898, under the provisions of section 13 of said act of June 28, 1898, is also modified so as to make the royalty uniform in said Territory under said act and the regulations issued thereunder. The modifications herein made shall become effective from January 1, 1898.

The agreement provided for a royalty on asphalt of 60 cents per ton. "payable same as on coal," granting to the Secretary of the Interior, however, the power to reduce or advance the rate when he deems it for the best interests of the Indians to do so. The regulations prescribed the same rate. The matter of modification of the royalty on asphalt was first presented in a report from Inspector Wright dated June 9, 1899, with which he transmitted letters containing the result of the investigation of the mining trustees, through correspondence with parties who have been engaged in the asphalt business. The conclusion reached by the trustees, and concurred in by the inspector, was that the royalty on asphalt was too high to admit of the placing of the Indian Territory product on the market in successful competition with the Trinidad and California material, and that it should be reduced to 10 cents per ton for crude and 60 cents per ton for the refined asphalt.

This office reported on the matter June 24, 1899, and carefully reviewed the correspondence submitted. After pointing out the disproportion between the proposed rates of royalty on crude and refined asphalt, as recommended by the trustees and Inspector Wright, the report concluded with the following remarks and recommendations:

On page 9 of his letter occur expressions which suggest to this office that Mr. Moulton's discussion of this matter has been from a standpoint of the production of asphaltum for roof painting, etc. This expression is as follows:

The extraction from the sand and limestone is a peculiar asphalt, having all the requisites of a first-class article, and if it could be produced pure and cheap it would certainly enter the market where the Trinidad and California asphalts now hold sway. But its value now lies in its peculiar combinations with the sand and limestone, making a material (which has only to be ground and crushed) for the best of street paving.

From this language the office infers that the product of the asphalt deposits in the Indian Territory can be used for paving purposes with no other refining process than the grinding and crushing. If this is so, and it appears to be borne out by Mr. Baxter's communication, wherein he says crude rock asphalt that has been used has been consumed by his company in the manufacture of pavements in St. Louis and other cities in Missouri, it would seem that the royalty of 60 cents per ton should be charged on the crude asphaltum as it is produced.

If, however, the other expenses mentioned by Mr. Moulton, such as refining, etc., will be necessary before the Indian Territory asphaltum can be put on the market

for street paving, then it is quite clear from the communications before me that the royalty of 60 cents per ton on the crude asphaltum is so excessive as to be prohibitive.

\* \* \* Considering the pure asphaltum as being able to bear a royalty of 60 cents per ton, as suggested by the Choctaw and Chickasaw mineral trustees, and approved by Inspector Wright, then the royalty of 10 cents per ton on the crude would be all out of proportion. \* \* \* But, as stated above, the office is in some doubt whether this crude asphalt or the ground and crushed sand and stone is used, with no other expense, for paving purposes. If this be so, the fixing of a royalty on the crude, based on a certain fixed royalty for the refined, might operate unjustly on the Choctaw and Chickasaw nations, inasmuch as the articles might be mined in its crude state and put on the market for immediate use after grinding and crushing and the nations deprived of their reasonable profits in royalty, as compared with the price of the refined and the crude thus put on the market. For this reason, therefore, the office is unable to make any recommendations to the Department without further information on this particular point, and it therefore suggests that Inspector Wright be instructed to ascertain whether the materials of bitumen, sand, and limestone mined in the Indian Territory are used for the purpose of paving in its natural state, after being crushed and ground, and if so, the comparative value of this material, crushed and ground, with that of refined asphaltum at the points where they are delivered for market.

Pursuant to this recommendation, the Department, on June 29, 1899, directed the inspector to procure all the information possible in regard to the particular compounds mentioned by the office, especially as to the use of such asphaltum material for paving purposes in its natural state. In response Inspector Wright, July 27, 1899, transmitted a communication dated July 10 from the Gilsonite Roofing and Paving Company, and another dated July 12 from the Brunswick Asphalt Company, and a report of July 26 from the Choctaw and Chickasaw mining trustees. In this correspondence it was shown that the bituminous limestone and bituminous sandstone mined in the Indian Territory, when mixed together and ground in varying proportions according to the richness of each, respectively, is used by the Gilsonite Roofing and Paving Company for paving purposes without any further admixture. The Brunswick Asphalt Company, however, stated that it was necessary to add to this mixture from 4 to 11 per cent of refined asphalt to obtain the necessary chemical composition for good paving. It was also shown that the crude asphalt sold at \$6 per ton in St. Louis and at \$5.50 per ton in Kansas City, while the refined asphalt, 99 per cent purity, sold in St. Louis at \$26 a ton.

In this report of July 27 Inspector Wright renewed the former recommendations that the rate of royalty should be 10 cents per ton on crude asphalt and 60 cents per ton on refined. His report was transmitted to the Department by this office without remarks or recommendations, and the Department, in its letter to him of August 10, 1899, directed that the regulations of October 7, 1898, be amended so as to read: "On asphalt, 60 cents per ton on refined, 10 cents per ton on crude asphalt, for each and every ton produced weighing 2,000 pounds."

No action has been taken by the Department affecting the royalties prescribed in the regulations touching the leasing of other minerals than coal and asphalt in the Choctaw and Chickasaw nations.

Since the ratification by the Choctaws and Chickasaws of the agreement, leases have been made of tracts of 960 acres each for the purpose of mining coal in said nations, and have been approved as follows:

1. Thirty leases with the Choctaw, Oklahoma and Gulf Railroad Company, the successor of the Choctaw Coal and Railway Company, submitted with office report of March 1, 1899, and approved by the Secretary on March 1, 1899.

2. Eight leases with John F. McMurray, submitted with office report of April 25, 1899, and approved by the Secretary on April 27, 1899.

3. Three leases to Messrs. D. Edwards & Sons, submitted with office report of July 28, 1899, and approved by the Department August 22, 1899.

All leases for mineral purposes in the Choctaw and Chickasaw nations are required to be for a term of thirty years. A memorandum of the lease is made opposite each tract in the tract books of this office; and the leases themselves, made out in quadruplicate, are sent to the various parties entitled thereto, viz, one to the Auditor of the Treasury for the Interior Department, another to the lessee, and the other two to the inspector for the Indian Territory—one to be retained in the office of the Indian agent for the Union Agency for his guidance in the collection of royalties to be paid by the lessees, and the other to be transmitted to the mining trustees of the Choctaw and Chickasaw nations.

**Contests of Leases.**—Besides the leases above named twenty-eight leases have been made by the trustees to the Sans Bois Coal Company. These leases have not been approved, on account of a contest between said company and the Kansas and Indian Territory Coal Mining Company, represented by Mr. W. S. Nelson, as to certain tracts embraced within some of said leases.

The regulations, by a proviso to paragraph 9, make provision for the adjudication of controversies as follows:

That should there arise a controversy between two or more such corporations the respective rights of each shall be determined after an investigation by the inspector located in the Indian Territory, subject to appeal to the Commissioner of Indian Affairs, and from him to the Secretary of the Interior.

After much delay, the taking of testimony, and very careful consideration, Inspector Wright concluded that the Kansas and Indian Territory Coal Mining Company had an inferior right to that of the Sans Bois Company, the latter company being shown by the evidence to have been operating under a national contract within the tracts claimed by the other company; that is, the contract entered into with the Sans Bois company, or its assignors, was made by the *national* agents of the Choctaw and Chickasaw nations (such contracts being specifically affirmed and ratified by the agreement where the parties in good faith had been operating the lands covered by them), while the Kansas and Indian Territory Coal Mining Company had been operating within said

Territory to a very limited and insignificant extent under a contract or agreement of lease given by *individual* citizens of the Choctaw Nation.

In view of the fact that this was the first appeal brought under the regulations and the further fact that the appellant claimed a right, under paragraph 10 of the regulations, notwithstanding the character of its title, to make a lease in preference to the Sans Bois Company, which made it necessary to construe said paragraph 10, the Office deemed it best to report its conclusions to the Department for departmental consideration and determination of the question rather than to make its decision, leaving the parties to their remedy of an appeal to the Secretary. In its report of July 3, 1899, the office expressed the opinion that the Kansas and Indian Territory Company was a trespasser in the Choctaw Nation, and had no right which would stand before the legal contract of the Sans Bois Company.

Paragraph 10 of the regulations provides as follows:

All leases made prior to April 23, 1897, by any person or corporation, with any member or members of the Choctaw or Chickasaw nations, the object of which was to obtain the permission of such member or members to operate coal or asphalt mines within the said nations, are declared void by said agreement, and no person, corporation, or company occupying any lands within either of said nations, under such individual leases, or operating coal or other mines on such lands under color of such leases, shall be deemed to have any right or preference in the making of any lease or leases for mining purposes embracing the lands covered by such personal leases by reason thereof; but parties in possession of mineral land who have made improvements thereon for the purpose of mining shall have a preference right to lease the land upon which said improvements have been made, under the provisions of said agreement and these regulations.

In giving its views of the intention of the Department at the time of the promulgation of above paragraph 10, the office stated that it understood that the clause at the conclusion of the paragraph on which the contestant laid so much stress was inserted "merely to save the equitable rights of parties who had acquired equities under these illegal contracts, but the Department did not intend nor had it the power to give these parties claiming only under such equitable right a preference over parties with superior equities backed by a right in law." The conclusion reached by the office on a full consideration of the record in this case was that the inspector's judgment that the Sans Bois Company had a superior right to lease was correct and should be affirmed. The question is still pending in the Department.

Another contest has arisen in connection with mining leases in the Choctaw and Chickasaw nations which was submitted in the nature of a certification by Inspector Wright in his report dated July 10, 1899. This contest involves very important principles as to the effect of the Curtis Act upon certain acts of the Chickasaw Nation under which parties are supposed to have acquired rights to prospect for and engage in the mining of various minerals within that nation. In view of the questions involved it seems to the office that this particular contest should be discussed in this report extensively. The facts in the case

are briefly these: By a law of the Chickasaw Nation any citizens of that nation were authorized to form themselves into corporations for the purpose of prospecting for and engaging in the mining of minerals in a designated territory within the nation; this right of prospecting for and mining minerals within such territory was not, however, regarded or held as exclusive, inasmuch as it appears that many such corporations held charters authorizing them to operate within the same territory, some corporations having authority to operate within a small tract, totally surrounded by and embraced in a larger tract secured to another corporation.

The Davis Mining Company, it seems, was originally composed of citizens of the Chickasaw Nation, but after associating noncitizens in interest therein it obtained a charter covering a tract of country within which is embraced the lands now occupied and improved by the Gilsonite Roofing and Paving Company, containing a very rich deposit of bituminous limestone. A lease was made by the Davis Mining Company to parties who in turn leased to the Rock Creek Natural Asphalt Company, which company on its part made a lease or granted a license to other parties, from whom the Gilsonite Roofing and Paving Company obtained its rights within the tract now occupied and operated by it. The Rock Creek Company, it seems, is engaged in operating asphaltum mines within another tract embraced in the charter limits of the Davis Mining Company. The controversy arose on the application of the Gilsonite Roofing and Paving Company for a lease of 960 acres, embracing improvements made by that company for the purpose of mining asphaltum and limestone, to which they claim rights partly under an agreement with the Rock Creek Natural Asphalt Company. This right was contested by the Rock Creek Company, and the right of both companies is contested by the Davis Mining Company. The Davis Mining Company claims the right under its charter from the Chickasaw Nation, and the other two companies claim the right by reason of the various transactions and agreements between the several parties involved in the controversy and by virtue of the improvements placed by the Gilsonite Roofing and Paving Company on the tract sought to be leased by that company. In his report on the controversy Inspector Wright submitted five questions, by request, as follows:

First. Do the act of Congress and the treaty referred to abrogate and nullify the charters granted by the Chickasaw Nation where the charter members had not up to April 23, 1897, taken actual possession of and developed the mines?

Second. In cases where these chartered companies had leased the mines claimed to other parties who took possession under such leases and developed the mines and were in possession of the mines, operating the same in good faith on April 23, 1897, which has the preference right to make the lease from the mining trustees?

Third. In cases where the Indian-chartered company leased to so-called capitalists and the capitalists in turn subleased the mining claims to other parties who took possession under such lease, developed

the mines, and were operating the same in good faith on April 23, 1897, which is entitled to obtain the lease?

Fourth. Is any person or corporation entitled under the Curtis bill and the treaty to the preference right to a lease who had not developed a mine and was not in actual possession and in good faith operating the same on April 23, 1897?

Fifth. Is it lawful for any person or corporation under any of the leases above referred to, entered into before the adoption of the treaty, to pay royalty to the lessors?

In addition to these five questions, after discussing the various phases of the controversy, he submitted for decision three questions, as follows:

First. Whether the application of the Davis Mining Company to this whole tract should be considered and a lease granted them in view of the fact that they had obtained the original charter and leased it to these parties, although never putting any improvements on the land themselves.

Second. Whether the Rock Creek Natural Asphalt Company should be granted a lease, inasmuch as they had gone upon the lands described, although not upon that portion covered by Mine No. 4, which they subleased to the Gilsonite people; or,

Third. Whether the Rock Creek Natural Asphalt Company should be given a lease upon tracts where they have placed their improvements, and the Gilsonite Roofing and Paving Company a lease covering their improvements, as shown by the applications of each.

In a report dated July 22, 1899, the position taken by the office on the first three questions submitted by request was that the charters granted under the laws of the Chickasaw Nation, and the rights of parties thereunder, had not been affected by the provisions of the agreement, and that the rights of parties under such charters exist the same to-day, so far as the agreement is concerned, as they were prior thereto, such charters not being leases from individual citizens of the Choctaw Nation nor contracts with the national agents of the Choctaw and Chickasaw nations.

The question of whether or not parties acquired any legal rights under such charters would depend upon the question of whether the Chickasaw Nation had the power (in view of the common title of the two nations in the lands occupied by them, respectively, and the grant of the right of self-government in the treaties with said nations) to establish a corporation composed of citizens of the Chickasaw Nation, with the right to prospect for and mine minerals within said nations; and if the Chickasaw Nation had this power, the question whether or not such a corporation organized under the law of the nation had any authority lawfully granted to make a lease of any of the lands within the charter limits to other parties for mining purposes, and if so, whether the law of the nation granting the company such a power is a valid law under the statutes of the United States.

After comparing the rule governing the occupancy and use of Indian reservations generally (where the reservations are held under the ordinary Indian title or occupancy right) with the tenure under which the lands of the Choctaw and Chickasaw nations are held by said



nations, the office reached the conclusion that the general rule which prohibited Indian tribes and individual citizens thereof from cutting timber and taking out minerals for sale would not apply to the Choctaw and Chickasaw nations, in view of the fee-simple title by which they hold their lands. Consequently it would have been possible prior to the agreement of April 23, 1897, for the Chickasaw Nation, with the concurrence of the Choctaw Nation, to have granted its citizens a license under which they would have been permitted to mine coal or any other mineral for the purpose of sale without a violation of the statutes of the United States; but the Chickasaw Nation alone could not have that power, inasmuch as the treaties between the United States and the Choctaw and Chickasaw nations declared that the lands should be held by the nations in common in the proportion of three-fourths to the Choctaw Nation and one-fourth to the Chickasaw Nation, and that no cession or agreement affecting said lands should be effective without the concurrence of the two nations.

The office also held to the opinion that neither the Choctaw nor the Chickasaw nations separately, nor both jointly, could grant by a statute to a corporation of its citizens the power to lease any part of the public domain of either nation for the purpose of mining or for any other purpose without violating section 2116 of the Revised Statutes, the Attorney-General having held in an opinion dated July 21, 1885, that said section 2116, being so general and comprehensive, was not limited in its operation by the nature or extent of the title to the land which the tribe or nation may hold, and that whether such title be a fee-simple or a right of occupancy only was not material. In either case the statute applies.

The conclusion was reached, therefore, that the charter of the Davis Mining Company, which authorized the company to take out and sell minerals in the Choctaw and Chickasaw nations, and which had not been concurred in by the Choctaw Nation was void, and that consequently the corporation has no legal existence; that the lease from the said company was not only void on account of the fact that the company itself did not exist, but was void for the further reason that it was not authorized by the law of the Chickasaw Nation; and if said law could be construed as giving such authority, the law was invalid, because the lease was in violation of section 2116 of the Revised Statutes; also that the sublease by the lessee of the Davis Mining Company was likewise void for the same reason.

As to the fourth question, the office was of the opinion that no person or corporation, although having a lease, would be entitled to claim the right to lease by law under the agreement, unless such person or corporation had been in actual possession of the mine sought to be leased and had developed the same in good faith prior to April 23, 1897, and was at that date in possession thereof. This, however, is not to be understood as holding that there might not be some circumstances and

conditions in a particular case where a party would have the preference right to lease on account of the improvements placed on the tract, although operations were commenced after April 23, 1897; but this preference right would not be a right under the agreement, but might arise under the regulations and the general rules of equity in the interest of justice and right.

The fifth question was answered by the office in the negative, that is, that it would not be lawful for any person or corporation occupying a tract under a lease entered into before the adoption of the agreement to pay royalty to individual lessors. The agreement having annulled all individual leases, it could not be lawful for a lessee or an individual to pay any royalty to his lessor.

As to the other three questions which were submitted by the inspector, the office held that the Davis Mining Company had no right to demand a lease under its charter of the tracts which the Rock Creek Company and the Gilsonite Roofing and Paving Company had occupied and improved; that the lease from the Davis Company to the Rock Creek Company, or to one Dennis, and the various subleases by him to the Rock Creek Company and the Gilsonite Roofing and Paving Company being invalid, contrary to law and void, said leases did not affect the rights of the parties to the tracts occupied by them, and the rights of the parties must be determined according to the regulations which referred to improvements made on the lands. The conclusion was reached, therefore, that the Rock Creek Natural Asphalt Company and the Gilsonite Roofing and Paving Company are both trespassers on the public domain of the Chickasaw Nation without any legal right whatever; that the parties must be dealt with purely from the standpoint of equity as set forth in paragraphs 9 and 10 of the regulations of the Department, and that each company would be entitled under said regulations to lease only those tracts upon which they have, respectively, made improvements in good faith, believing that they had rights in law upon the lands thus improved, and no prior lease from one to the other would be considered as being of any effect whatever, and the rights of parties must be determined exclusively upon their improvements on the lands, each being permitted to lease the tract occupied by it respectively.

One other matter was involved in the contest over these leases for the mining of asphalt, and that was the jurisdiction of the court to interfere with the investigations of the officers of the Interior Department with reference to the making of leases. In this contest it seems that Inspector Wright had made an appointment to take testimony as to the respective rights of the parties, and had proceeded to the place at the time designated, and on entering upon the investigation it was found that one of the parties—the Rock Creek Asphalt Company—had applied to the court and obtained an injunction against the other parties to the controversy, restraining them from making application or taking any steps to secure a lease. In view of the action of the court

in this case, Inspector Wright expressed a doubt as to the expediency of continuing in force the provisions of the regulation requiring him to make investigation in cases of controversy, because if the courts have jurisdiction to interfere, either directly or indirectly, in the manner adopted in this case, with the discretion of the officers of the Department in awarding the right to lease, time would be lost by the inspector which might be devoted to investigation into the rights of the parties.

The agreement provides, among other things, that—

The United States courts now existing and those that may hereafter be created in the Indian Territory shall have exclusive jurisdiction of all controversies growing out of the title, ownership, occupation, or use of real estate, coal, and asphalt in the territory occupied by the Choctaw and Chickasaw tribes.

Beyond question, the jurisdiction of the court to determine the rights of parties under existing facts at a given time in reference to the company's title, ownership, occupation, or use of real estate, coal, and asphalt is clearly granted by this agreement. However, in its report of July 22, above referred to, the office took the position that the Interior Department is granted by another part of the agreement an entirely different and distinct jurisdiction in so far as the matter of leasing was concerned, and that the jurisdiction as granted by the agreement to the courts does not interfere with the jurisdiction of the Department to investigate and determine for itself the right of parties to make leases under the regulations as prescribed by the Secretary. In discussing this matter the office stated that—

The jurisdiction of this Department is as clear and distinct and as well defined as the jurisdiction of the court. The court has no power to control or interfere with the exercise of the authority of this Department so long as the Department keeps within the jurisdiction granted in the agreement. While it is probably true that a decision by the court as to the respective rights of parties over the question of possession, occupation, etc., would be accepted by this Department and acted upon as conclusive of the rights of the parties, still the Department would not be bound in making these contracts to grant a contract to a party who might be found by the courts to be entitled to the possession of a certain tract if, on an independent investigation made by this Department, a situation is developed which, in the opinion of the Department, shows that another party than the one found by the court ought to be given the possession. Then, too, the decision of the court under its jurisdiction as to the right of parties litigant would not affect the right of persons not parties to such litigation, and while the court may find in one case that A's right in certain land is superior to B's, still the court would not in that case find that A's right is superior to C's unless C is a party to the litigation, so that it seems to the office that it is necessary that these investigations shall continue to be made by the inspector in accordance with the regulations, as heretofore.

In making his report on this matter Inspector Wright had stated that he had written Hon. Hosea Townsend, United States judge of the southern district of the Indian Territory, concerning the injunction granted by him, and that his reply would be forwarded. July 22, 1899, Inspector Wright transmitted to this office a communication from Judge Townsend, dated July 19, 1899, in which he gave the status of the controversy over this injunction, which had been fixed by him for

hearing with a view either to dissolving the temporary injunction or making it permanent. He also stated that since he had more maturely considered the principles involved he had reached the conclusion that his court was without jurisdiction to grant the injunction because of the fact that such an injunction would be an unwarranted interference with the jurisdiction of this Department over the matter of leasing. This opinion of Judge Townsend in the main concurs with the views of this office as expressed above.

The Department has not yet decided the questions submitted, so far as this office has been advised, and it is informally understood that the case has been referred to the Assistant Attorney-General for his opinion.

One other matter of great importance connected with mining affairs in the Choctaw and Chickasaw nations under the agreement has been fully discussed, and that is the question whether under the agreement it was intended to reserve from allotment any other minerals than coal and asphalt, which are specifically reserved in the agreement.

This discussion arose out of the position taken by Mr. Ainsworth, the mineral trustee for the Choctaw Nation, that it was not the intention of the nations to provide for the leasing of any minerals in the Choctaw and Chickasaw nations for the benefit of the nations except coal and asphalt, and that it was the expectation that all other deposits of mineral character under the land would go to the benefit of the party taking the same in allotment. February 11, 1899, Inspector Wright reported relative to a certain lease for the purpose of quarrying stone to be used as ballast by railroad companies, and it was in this report and the accompanying papers that Mr. Ainsworth's position was outlined.

In its report to the Department of February 20, 1899, the office said that whether or not it would be deemed expedient to suspend the regulations as to the leasing of all minerals except coal and asphalt, so as to allow opportunity for the amendment of the agreement, the office was of the opinion that the agreement as it now stands authorizes the leasing of other minerals. Replying to this in a letter addressed to Inspector Wright, the Department concurred in the position of this office and held that all minerals were subject to lease under the agreement. Later, however, the Choctaw mineral trustee submitted to Inspector Wright a very urgent protest against the ruling of the Department, together with the reasons why he thought the agreement does not authorize the leasing of other minerals. Briefly stated, those reasons are, first, that the clause in the agreement reserving minerals mentions only coal and asphalt, and all through the agreement the intention seemed to Mr. Ainsworth to have been to reserve only coal and asphalt to the nation, because it is provided that only such revenues as were received from the leasing of coal and asphalt shall be deposited to be used for school purposes; second, because the words

"other mineral" occur in only one place in the agreement, and that is not the place which reserves the minerals for the use of the nation; third, because in that part of the agreement which deals with the question of the title of allottees it is provided that the patent shall convey to the allottee all interest in the land except the coal and asphalt, "herein excepted from allotment," and it was not seen by Mr. Ainsworth how the nation could give the title to the allottee and at the same time reserve the valuable minerals in the land, which by the agreement go with that title, for tribal uses.

The office, in a report dated March 31, 1899, submitted its views of the position taken by Mr. Ainsworth, stating that since the receipt of the report of Inspector Wright transmitting this protest from the Choctaw mining trustee and on a more careful consideration of the agreement as a whole it seemed to the office that the position theretofore taken should be modified. Briefly stated, this conclusion was reached on account of the positive reservation in the agreement of coal and asphalt for tribal uses to be leased for the benefit of the schools of the nations, and the clear and positive requirement of the agreement as to the title of the allottees, which gives the allottee the right to claim the absolute fee in all lands allotted to him, and all minerals in and under such lands, except coal and asphalt. The words "other mineral," as contained in the agreement, were considered by the office to apply only to such leases embracing other minerals than coal and asphalt as had been previously assented to by Congress, which were specifically affirmed by the agreement; consequently they were not intended to authorize or require the leasing of any minerals in the Indian Territory except coal and asphalt, and except, also, where existing leases, assented to by Congress, embrace other minerals.

The Department, in a letter dated April 4, addressed to the inspector for the Indian Territory, in an elaborate opinion reviewed the act and agreement and reached the conclusion that the agreement should be considered as authorizing the leasing of other minerals than coal and asphalt, and instructed Inspector Wright accordingly.

**Cherokee and Creek leases under section 13.**—In the Cherokee and Creek nations the situation as to leasing lands for mineral purposes is different from that in the Choctaw and Chickasaw nations. The subject in these two nations is covered entirely by the provisions of section 13 of the Curtis Act, the Cherokees having refused to make an agreement with the commission, and the Creeks having failed to ratify their agreement.

October 11, 1898, the Department directed this office to prepare a draft of regulations to govern miscellaneous matters in the Indian Territory under the provisions of the Curtis Act. This draft of regulations was transmitted to the Department for its approval with office report of October 28. Among other things, it provided regulations for leasing mineral lands under section 13 in such nations as were not

affected by existing agreements which suspended in those nations the operation of said section 13. These regulations were approved by the Secretary November 7, 1898, and have been the rule since with the amendment as to the rate of royalty on coal referred to above.

After the approval of the regulations, although many applications had been made for leases of various mines for mineral purposes, it was deemed expedient by the Department to take no positive action because the Commission to the Five Civilized Tribes and the Cherokee Nation had reported that a commission had been appointed on the part of the Cherokee Nation to meet the commissioners on behalf of the United States with a view to reaching an agreement which would settle all such matters in a manner that would be satisfactory to the nation. After some delay in negotiations an agreement was reached with the Cherokee Nation by the Commission to the Five Civilized Tribes on January 14, 1899, whereby it was proposed to allot all of the lands in the Cherokee Nation, mineral as well as other lands without restricting the allottee's right of property therein. This agreement was duly submitted to Congress, but it was not ratified before the 4th of March, 1899, which fact, by the terms of the agreement, nullified the same.

Later the Commission to the Five Civilized Tribes submitted another agreement with the Creek Nation, which was entered into on February 1, 1899, and which made similar provision for the title of allottees in the lands to be allotted. Said agreement was also submitted to Congress for its consideration, but was not ratified.

Taking these two agreements as an expression of the wish of the Indians concerning the leasing of the lands of those nations for mineral purposes, the Department, May 22, 1899, informed Inspector Wright that it would not make any leases under section 13 in the Cherokee and Creek nations except where it might be necessary for the protection of the interests of persons who under the customs and laws of the nations theretofore in force have made valuable improvements on lands in said nations and operated mines there.

The only mineral in the Cherokee and Creek nations which has apparently attracted extensive notice is oil, and in these nations several persons have made more or less improvements to the extent of some twenty-one or twenty-two wells. These various companies, the Cherokee Oil and Gas Company, the Cudahy Oil Company, and the Benjamin Pennington Company, made application for the leasing of a large number of tracts of 640 acres, aggregating altogether about 180,000 acres of land; but some of those tracts had not been improved by the companies, and the Department decided that it would not permit the wholesale leasing of the land in the manner attempted, but would restrict each company to a tract improved by it, and would grant leases for such tracts only.

Notwithstanding this decision, on May 22, 1899, the companies again

submitted application for a lease, and urgently insisted that the Department should approve it. This second application covered the same tracts that were covered by the rejected application. It was transmitted to this office by Inspector Wright June 22, and by the office submitted to the Department in a report dated July 8, 1899.

One ground on which the companies insisted on the making of this new lease was that their officers could not in the time allowed, which was thirty days, identify and properly describe the tracts that had actually been improved by them respectively. This office recommended that the application be rejected, and that Inspector Wright be directed to advise the applicants that it would be useless for them hereafter to submit any applications for a lease in the Cherokee or Creek nations which should not be in compliance with the regulations as amended in the Department's letter of May 22, and this recommendation of the office was approved by the Department in a letter of July 15, 1899, addressed to Inspector Wright.

No other leases have been considered except the application of the Kansas and Arkansas Valley Railway Company for a license to mine gravel at a point near Fort Gibson, on Grand River, in the Cherokee Nation. Several applications had been made by different parties under the regulations of November 7, 1898, and the railroad company having been tardy in making its application for a lease, was defeated on account of the prior rights of other parties, and consequently an effort was made on its part to evade the law and regulations by this irregular method of a license. In reporting August 23, 1899, on the application of the company for its license, the office suggested to the Department that the Attorney-General in an opinion dated July 21, 1885 (18 Opinions, 235), referring specifically to Cherokee lands, had held that neither the President nor the Secretary of the Interior has authority to make a lease of Indian lands for grazing purposes, and that section 2116 of the Revised Statutes applies with full force and effect to the lands of the Cherokee Nation. Therefore, Congress having since given the Secretary of the Interior authority to make leases only as prescribed in section 13 of the Curtis Act, the granting of a license to mine gravel, as applied for by the Kansas and Arkansas Valley Railway Company, would be in excess of the authority of the Secretary, no such license being warranted by section 13. Moreover, to grant such a license would be an encroachment upon the rights of those parties who made applications prior to the application made by the railway company, and who complied fully with the law and regulations authorizing the leasing of lands in the Cherokee country.

#### COLLECTION OF REVENUES.

As before stated, the agent for the Union Agency under date of July 23, 1898, was given preliminary instructions for his guidance in the collection of revenues, royalties, etc., arising under the contracts, leases, and laws in existence in the several nations as provided for in the

**Curtis Act.** On July 28 he was instructed that these provisional regulations were intended by the Department to govern also in import taxes, per capita assessments, or other charges upon cattle imposed by the laws of the respective tribes in accordance with the directions contained in Department letter of July 26, 1898. These provisional instructions were enforced as to all of the nations in the Indian Territory except the Seminole Nation, the agreement with that nation having been ratified by Congress without amendment and become a law on July 1, 1898.

After the ratification by the Choctaw and Chickasaw nations of the agreement of April 23, 1897, as amended by Congress, these instructions no longer applied to those nations, but pending its ratification it appears that the agent had collected some small amounts as taxes on circuses, theaters, licensed traders, timber, and for permits, which, together with the amounts collected for royalty on asphalt and coal, had been turned into the Treasury to the credit of said nations, respectively, in proportion to their rights under the law. After the ratification of the agreement by the Indians, the agent's authority to collect the miscellaneous revenues in the Choctaw and Chickasaw nations came to an end, and the Department held that with the exception of revenues on coal and asphalt, dedicated by the agreement for use for school purposes, the proper officers of the nations were the only authorities having a right to make these collections.

By regulations prescribed November 4, 1898, in force in the Cherokee and Creek nations, instructions were provided in paragraphs 12 to 15, inclusive, for the guidance of the agent in collecting all revenues arising under the laws of those nations, as well as royalties under leases for mining purposes entered into under section 13 of the Curtis Act. Paragraphs 16 to 18, inclusive, direct the agent as to making disbursements in the paying of salaries of officers of the two tribes, etc., as provided in the act. These regulations were printed in the appendix to the annual report for last year, page 537.

It is not the purpose of this report to make a statement of the amounts of the various kinds of revenues collected by the agent, but to discuss briefly the questions that have arisen as to the legality of the taxes imposed under the various laws. At first there was a disposition on the part of some parties liable to certain taxes to contest the right of the agent to collect them under the belief that all laws of the various nations were repealed by the Curtis Act, and that, consequently, the laws imposing taxes such as permit, licensed trader, cattle, and other taxes were no longer in force. This question, however, was carefully considered by the Department, and the conclusion was reached that no laws of the nations were repealed except those that were in direct conflict with the provisions of the Curtis act, such as the laws creating the judicial offices and providing for the salary of the officers.



**Cattle.**—This position as to the repeal of the laws of the nations by the Curtis Act was more strongly urged by parties who desired to introduce cattle into the Indian Territory contrary to the quarantine laws of the nations and without the payment of the tax provided by those laws. Much correspondence was had as to the power of the Department to enforce the quarantine laws of the nations, especially the law of the Creek Nation prohibiting the introduction of cattle therein during certain times of the year. This contention was based on the supposition that it was intended by Congress to repeal the laws of the several nations when by section 26 of the Curtis Act the courts of the United States were prohibited from enforcing any of the laws of the various tribes or nations, either at law or in equity, after the passage of the act. The office took the position that in prohibiting the courts from enforcing the laws of the nations Congress did not necessarily repeal any of those laws which were not inconsistent with the Curtis Act and could stand and be executed without interfering with its operations; and, furthermore, that even if the effect of the Curtis Act were to repeal the quarantine laws of these nations, section 2117 of the Revised Statutes of the United States would operate to prohibit the introduction of cattle illegally into the Indian Territory, and the courts of the United States could be appealed to for the enforcement of the penalty provided in that section.

This question was further complicated by the position taken by parties interested in introducing cattle into the Creek Nation, to the effect that the Curtis Act, having given to each citizen in the nation the right to use or to receive rent from his proportionate share of the lands of his nation, suspended the operations of the Creek quarantine laws to the extent of permitting the introduction of cattle to be held on tracts occupied by individuals of the nation without liability to paying the permit tax imposed in tribal permit laws. It was held that if any other view were taken of the situation, the provisions of the Curtis Act which authorized the individual to lease his proportionate share and the share of his wife and children would be nullified by a tax being charged on the cattle introduced, or at least the rental value of such proportionate shares would be materially and unfavorably affected.

The office did not take this view of the question, but held that the quarantine laws of the Creek Nation were valid and that the tax imposed therein for the introduction of cattle should be collected. Any other view would permit the indiscriminate introduction of cattle into the Creek Nation on the theory that all or nearly all of the Creek public domain was in the possession of the various members of the tribe, and consequently the whole nation would be liable to be grazed by foreign cattle without the payment of the tax imposed by the laws of the nation.

In a letter of May 18, 1899, addressed to the inspector for the Indian Territory, the Department held that the collection of the tax imposed

by the laws of the Creek Nation interfered with the rights of the individual citizen to receive rent for his proportionate share, and that cattle introduced into the Creek Nation to be confined to pastures composed of individual tracts, allotted or selected, under regulations prescribed by the Department October 7, 1898, were exempt from the penalties imposed in section 2117. The language of the Department is as follows:

The evident purpose of the quarantine law of the Creek Nation was to prevent injury to the native cattle by coming in contact with the Texas cattle that might be shipped into the nation within the time prohibited by said tribal statute. Since you report that there is no danger of such contamination, especially if the foreign cattle be confined in the pastures which may be leased from the individual citizens under said rules and regulations of October 7, 1898, there would seem to be no good reason why the Texas cattle should not be allowed to come into said nation, in order that the individual citizens may derive revenue from the leasing of their proportionate shares, which they are expressly authorized to do under the proviso in section 16 of said act of June 28, 1898.

Besides, the manifest object of said proviso in section 16 of said act was to enable the individual citizen to derive revenue from the use or leasing of lands of which he might be in possession which did not exceed his proportionate share and that to which his wife and minor children are entitled, prior to the time when his final allotment of said lands should be made to him, and it was with the view of enabling the individual citizen to get the benefit to which he was entitled under said sections 16 and 23 of said act that said regulations of October 7, 1898, were prescribed.

The Commission to the Five Civilized Tribes has forwarded some thirty-two leases for lands executed under the provisions of said regulations of October 7, 1898, which they have recommended for approval. It is the understanding of the Department that the rental agreed to be paid to the lessors is a fair and reasonable amount and all that the lessees can well afford to pay. In cases, therefore, where parties have entered, or shall hereafter enter, into leases with individual Indians under said rules and regulations of October 7, 1898, in the Creek Nation, the tax of \$2 required by said section 334 of the Creek laws will not be required to be paid in addition to the amount stipulated for in the several leases which may be approved by the Department, and to that extent said regulations of July 21 and July 26, 1898, are hereby modified; but it must be understood that the parties entering into said leases must show good faith in their every act, and where cattle are brought into the Creek Nation and are not confined to the pastures for which the owners of such cattle have entered into leases with individual Indians under said rules and regulations section 2117 of the Revised Statutes will be rigidly enforced, and to this end you are enjoined to exercise special diligence in order that no person or corporation shall attempt or be able to evade the rulings of the Department by turning their cattle loose on the public domain of said nation or by any action in violation of the letter or the spirit of the instructions of the Department as above set forth.

**Hay.**—The laws of the Cherokee Nation provide a tax in the form of a royalty on all hay shipped out of the nation. By a telegram dated July 20, 1899, Inspector Wright asked:

Is all hay shipped from the Cherokee Nation considered subject to tax, or is that cut on pro rata shares exempt? If so, would I be authorized to seize all hay delivered at railroad for shipment until shown by evidence such was cut from land exempt? If burden rests upon us to show it is not so cut, would be impracticable to enforce tribal law. Large quantities are being shipped. What action should I take in matter?

This telegram was submitted to the Department July 21, 1899, with the following explanation of the inspector's telegram and statement of the views of this office:

The law of the Cherokee Nation provides for a tax on hay shipped out of the nation. The question submitted by Inspector Wright arises on account of the provision in section 16 of the Curtis Act granting to an individual the right to use and receive rent from such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of the nation, and that to which his wife and minor children are entitled.

As the office views the matter, the revenue law of the nation relating to the tax on hay do not in any way interfere with the use by the citizens of the nation of their just and reasonable share of the lands as provided in section 16 of the act. It is an export tax imposed by the nation to meet the necessities of its government and seems to the office to be a valid tax and would apply to all hay alike, whether taken from lands in occupancy of citizens and claimed as their pro rata share or otherwise. The tax only applies to hay shipped out of the nation and it would seem immaterial whether such hay was cut from the public domain or taken from inclosed tracts claimed by citizens as their pro rata share.

The matter is submitted, however, to the Department for instruction as to what reply shall be made Inspector Wright on the subject.

The Department, July 22, 1899, concurred in the opinion of this office that the tax imposed by the nation as an export tax was a valid one and applies to all hay alike, and directed that Inspector Wright be instructed accordingly. Therefore he was telegraphed on July 24, 1899, that all hay was liable to tax, and was written on the 25th to the same effect.

While the Department is not responsible, through its agents or otherwise, for the collection of taxes in the Choctaw and Chickasaw nations, except the royalty on coal and asphaltum, further than to sustain the officers of those nations in the lawful pursuit of their duties and in collecting the lawful taxes imposed by the laws of those nations, still it has been necessary for the Department to consider and determine the legality of the taxes sought to be collected by officers of these nations, which has been contested by various parties.

Closely associated with the Cherokee hay case was the controversy which was brought to the attention of this office in a letter of July 1, 1899, from Hon. Green McCurtain, the principal chief of the Choctaw Nation, who reported that Inspector Wright had held that the last clause of section 16 of the Curtis Act, which gives the right to citizens to lease their pro rata shares of land and those of their wives and minor children, would interfere with the collection of royalty imposed under the laws of the nation on hay that might be cut within that nation on the pro rata share of an individual. July 12, 1899, this office took the position that the clause of section 16 of the Curtis Act, to which Inspector Wright referred, does not apply to the Choctaw and Chickasaw nations, inasmuch as the effect of the application of that

clause to those nations would be to limit or restrict the governmental powers of the nation beyond the modification thereof contained in the agreement, and that consequently that clause would be in conflict with the agreement and be ineffective by the terms of the act. The agreement provided for the continuation of the tribal governments for eight years from March 4, 1898, with modifications of the legislative and judicial powers. One of the functions of the governments of the Choctaws and Chickasaws was held by the Attorney-General, in an opinion dated July 14, 1884 (18 Opinions, 34), to embrace the power to regulate the occupancy of the public domain of the nations by the citizens thereof, and as there is nothing in the Choctaw and Chickasaw agreement which modifies this power, the office was of the opinion that it still exists and could be exercised by the nation under the clause of their agreement which continues their government for eight years.

Meantime, Inspector Wright submitted a report dated July 10, 1899, presenting his views, which were based upon Department regulations of October 7, 1898, relating to the selection by citizens of the various nations of their pro rata share, commonly referred to in correspondence as "preliminary allotments." From this action of the Department the inspector concluded that the clause of section 16 of the Curtis Act relating to the proportionate shares of citizens of the various nations applied in the Choctaw and Chickasaw nations, and that to collect a royalty on the hay cut on tracts occupied by citizens as their pro rata share would be a violation of the right of the individual under the Curtis act and therefore void. This conclusion was borne out by the decision of the Department of May 18, 1899, relative to the tax by the Creeks on cattle introduced into their nation to be held and grazed on tracts claimed by individuals to be their pro rata share.

In disposing of the questions presented in Governor McCurtain's letter and Inspector Wright's report, the Department, in its letter of August 5, 1899, to the inspector, stated:

It is apparent that the status of the governments of the Choctaw and Chickasaw nations is quite different from that of the Creek and Cherokee nations. In the former, by the express provision of law, the governments are continued for a period of eight years from the 4th day of March, 1893, while in the Creek and Cherokee nations it is provided that the laws of said nations shall not be enforced at law or in equity by the courts of the United States in the Indian Territory, and their tribal courts are abolished. The tribal courts in the Choctaw and Chickasaw nations are continued with jurisdiction, except as expressly limited in said agreement, and the power of taxation does not appear to be in anywise limited or prescribed except as defined in section 14 of said act, concerning towns in said nation.

While it is true that the laws of the Creek and Cherokee nations can not be enforced at law or in equity in the United States courts, yet it is made the duty of the Secretary of the Interior, under the provisions of section 16, to collect the taxes due said nations and pay the same into the Treasury of the United States to the credit of the tribe to which they belong. In pursuance of said statutory authority, rules and regulations were prescribed by the Department for the collection of said taxes on July 21 and July 28, 1898, and officers have been appointed by the Secretary of the Interior to enforce said regulations.

It by no means follows that, because the Department has prescribed regulations under sections 16 and 23 of said act for the selection and renting of prospective allotments by the members of the Choctaw and Chickasaw nations, the power of taxation is thereby taken away from said nations. Indeed, on January 18, 1899, the Department recommended for approval an act of the special session of the council of the Chickasaw Nation, entitled, "An act to provide for a more equitable permit tax, and for other purposes." Said act provides that each noncitizen should be required to pay an annual permit tax of \$1 for residing within the limits of the Chickasaw Nation, and an additional tax of 25 cents for each horse, jack, jennet, mule or bovine, and 5 cents per head for each sheep and goat, excepting therefrom certain animals specified therein. Said act received a favorable recommendation by you and by the Commissioner of Indian Affairs, and it was approved by the President on the 19th of the same month.

It has been the uniform ruling of the Department that the only royalties which the Secretary of the Interior is required to collect and disburse under the agreement set out in section 29 of said act are the royalties derived from the leasing of mineral lands. The Choctaw and Chickasaw nations are charged with the collection of all the other taxes, including the permit taxes required from noncitizens desiring to reside or do business in said nations.

**Business Permits.**—Another important decision has been rendered by the Department in connection with the matter of the collection of taxes, which relates to the liability of lawyers located in the Creek Nation and practicing in the courts of the United States within the Indian Territory, to the tax of \$25 prescribed by Creek laws. In a report dated July 1, 1899, the inspector for the Indian Territory submitted the question and stated that the attorneys in the Creek Nation, especially those living in Muscogee, refused to pay the tax, basing their refusal on a number of grounds, among which were, first, that the attorneys are not licensed traders; second, that sections 406 and 430, of Mansfield's Digest of the Laws of Arkansas, in force in the Indian Territory, prescribed the exclusive rule by which lawyers can be deprived of their rights to practice in the United States courts in the Indian Territory; third, that lawyers are officers of the courts of the United States for the Indian Territory; fourth, that Muscogee being an incorporated town, the lands are segregated from the Creek Nation, and the laws of that nation do not apply within its corporate limits; fifth, that the Curtis Act does not authorize the Secretary of the Interior to collect permit taxes; sixth, that the requirements as to licensed traders in the Creek Nation has been repealed by act of July 30, 1882; seventh, that while the Interior Department may determine who are practicing attorneys and how long they have been practicing their profession in the Indian Territory, the question of whether or not the attorneys are liable to the tax is a judicial question, to be determined only by the court.

The matter was submitted to the Department in a report dated July 7, 1899, in which the office took the position, answering specifically all of the grounds on which the attorneys based their contention, that said attorneys were liable to the tax, not as licensed traders, but as *lawyers*, the law of the Creek Nation prescribing a tax of \$25 specifically

upon lawyers practicing their profession within that nation. In conclusion the office recommended that the United States Indian agent be instructed to collect the tax from the lawyers. July 11, 1899, the Department concurred in these views, and authorized the office to give the necessary instructions to the United States Indian agent and the inspector, "so that all lawyers refusing to pay the tax imposed by the laws of the nation in which they are located, after having received due notice of such instructions as you (this office) may give, and all merchants in the Chickasaw Nation, and all physicians in the Choctaw Nation who refuse, after due notice, to pay the tribal tax mentioned by the inspector, may be removed." These instructions were communicated to Inspector Wright on July 15, 1899. July 21, he notified Messrs. Hutchings, Gibson, and others, the committee of the bar association of Muscogee, of the conclusions of the Department, and July 24, he notified all parties interested that they would be required to pay the tax imposed by the law in accordance with the above decision of the Department.

The members of the bar of Muscogee being dissatisfied with this, sought by a bill in equity to enjoin the inspector and the Indian agent from the collection of this tax. The bill recited all the essential features of the case as above set forth, alleged the illegality of the tax, and prayed relief by injunction from the necessity of paying the same. By a copy of the process it appears that this bill was heard by the court on July 29. Judge Thomas dismissed the bill, and thus sustained the position of this office and the Department and established the validity of the tax imposed by the Creek Nation.

As intimated above, merchants and physicians in the various nations have also endeavored to evade the payment of taxes lawfully assessed against them, especially physicians in the Choctaw Nation and merchants in the Chickasaw Nation. But the Department has uniformly held the tax to be valid, and given directions that the parties must pay the tax or lay themselves liable to removal as intruders in the Indian country.

**Warrants.**—The question has also arisen of whether or not the agent has authority to accept, in payment of taxes to any of the nations, warrants issued by such nations previously to the passage of the Curtis Act. The Department decided that the agent would not be justified in accepting warrants in payment of taxes to any nation, for the reason that the agent would have to account for all taxes collected by him and deposit the same in the subtreasury at St. Louis, in cash, to the credit of the nation. This he could not do, as the Government could not accept warrants as cash.

**Estrays.**—Another question was submitted by the inspector and discussed in a report of this office, dated December 1, 1898, relative to the matter of estrays in the Cherokee Nation. The laws of that nation provide for the impounding of estrays by the sheriffs of the various

judicial districts and the sale of the same for the benefit of the nation, etc. The abolition of all judicial officers carried with it the extinction of the office of sheriff in the Cherokee Nation, and the peculiarity of the law made it impossible for the inspector to deal with this class of revenue-yielding matters in accordance with the statute. The Department, however, was of the opinion that the common-law rule should be observed, and the inspector was instructed accordingly.

The question as to the right of the agent to collect royalties accruing to the Choctaw and Chickasaw nations on account of coal and asphalt prior to the date of the Curtis Act, has also been considered. In its report of March 14, 1899, the office took the position that the Choctaw and Chickasaw agreement related back to the date of its ratification, April 23, 1897, and that therefore royalties accruing subsequently and outstanding, were to be collected by the Indian agent and not by the authorities of the tribe. In this the Department concurred and in its letter of March 17, 1899, addressed to the inspector for the Indian Territory, instructed him accordingly.

#### THE DAWES COMMISSION.

From the preparation of the original instructions in this office on November 28, 1893, until after the passage of the Curtis Act, the Dawes Commission correspondence had been addressed to the Interior Department, and the work of the commission has not been conducted under any supervision of this office, nor has the office been called on, except when agreements were submitted, to consider or report upon matters that have been presented by the commission for the consideration of the Department. Several acts have been passed since the original act of March 3, 1893, extending and modifying the jurisdiction and authority of the commission. The personnel of the commission has also twice been changed by law. Since the passage of the Curtis Act, however, the Department has instructed all of its officials in the Indian Territory, including the Dawes Commission, to address its correspondence through this office. Consequently the office is this year better informed as to the work of the commission than it has been heretofore.

**Citizenship.**—The most important modification or extension of the authority of the commission was the jurisdiction given it by the act of June 10, 1896, over citizenship matters in the Five Civilized Tribes. By this act the commission was authorized to investigate all applications submitted to it of persons claiming to be entitled to membership in law and fact in any of the Five Civilized Tribes. Three months were given for the filing of applications, and the commission was given ninety days after the filing of the application to render its decision thereon. So far as this office is informed, the commission has not been given any instructions whatever in the carrying out of the new authority given to it under the various acts that have been passed, but the commission has proceeded without instructions, construing the law for itself.

The result of the investigation made by the commission into citizenship matters was the rejection of the applications of a large number of persons, some of whom appealed to the courts in accordance with law; others sought admission to membership through the tribal authorities of the tribe to which they claimed rights by blood. A letter was received in this office from a person who claimed rights in the Choctaw Nation, but had been rejected by the Dawes Commission, asking whether his enrollment by a commission that had been appointed by the Choctaw Nation for the purpose of inquiring into citizenship matters, would entitle him to such citizenship. This letter was referred to the Dawes Commission for advice as to its understanding of the case. The commission replied that the jurisdiction conferred by the act of 1896 on the commission was exclusive of all jurisdiction in the tribe, and that the act giving the Dawes Commission jurisdiction operated to repeal or destroy whatever jurisdiction the tribes may have had previously to the act.

The understanding of this office, however, as to the intent of the act of 1896 was radically different from the interpretation given it by the commission. The office, remembering the opinion of the Supreme Court in the case of the Eastern Cherokees (117 U. S., 288), understood that the effect of this decision was to hold that the power to admit a person to citizenship into one of the nations existed exclusively in the Indian national government. If this is correct, then Congress could not grant a jurisdiction to a commission of the United States which would exclude Indian nations from exercising the power of admitting persons to citizenship which, like the power of naturalization, is inherent in all governments.

Therefore the interpretation given the law of 1896 by this office was that the Dawes Commission was given a jurisdiction to examine into citizenship claims only so far as was necessary to determine whether a person making application was in fact and law a citizen of the nation; that the commission had no power to admit a person of Indian blood to citizenship in a tribe merely because he was descended from a person previously a member of that tribe; but that before enrolling such applicant something more than the fact that he was of the blood of the tribe to which he claimed a right to membership was necessary to be established, namely, that he was in fact and law an actual member of that tribe.

The office further understood that the jurisdiction of the tribal authorities to admit to citizenship persons found by the Dawes Commission not to be members of the tribe remained unimpaired by the act of 1896.

This view of the office was so at variance with the views of the commission, that November 29, 1898, the whole question was submitted to the Department for a ruling, so that the commission and the Indian Office would not be at cross purposes in its correspondence on the



subject. The Department referred the matter to the Assistant Attorney-General who, March 17, 1899, rendered an opinion, which was approved by the Department, concurring in the commission's views of the law. A copy of this opinion was forwarded to the commission for its guidance.

Concerning the matter of making enrollments the Curtis Act is more in detail. Among other things it requires that the enrollments made by the commission shall be approved by the Secretary of the Interior, and when so approved they shall be conclusive as to the rights of parties. In view of this provision the office suggested to the Department the expediency of instructing the Dawes Commission to preserve, for review by the Department, the record in all cases where the right to enrollment of any person is denied by the commission or is contested by the nation or by the applicant, so that when the Department comes to consider the enrollments it will be enabled to pass intelligently upon the work of the commission, and to decide whether the conclusions reached by the commission in any particular case are correct and just under the law and fact. This was done by Department letter to the commission dated August 26, 1899. The commission replied indicating that it understands that its jurisdiction is exclusive and final in the matter of enrollments, and the Secretary is merely to perform the perfunctory act of approving. This view, however, the Department has overruled, and the commission was definitely instructed by letter dated July 31, 1899, approved by the Secretary on August 8, 1899, to preserve a sufficient record of each applicant for enrollment rejected by the commission for the information and use of the Department in its review of the enrollment.

The rolls of the Choctaw and Chickasaw and the Seminole nations are about completed, but have not yet been submitted.

**Mississippi Choctaw roll.**—The Mississippi Choctaws have been identified by the commission under a clause in the act. This roll, comprising nearly 2,000 names, the commission submitted with a report dated March 10, 1899. The rolls were not accompanied by any evidence of the rights of the parties, and when they were received in this office with the letter of the Department dated June 6, for consideration and report, the office replied June 13, inviting the attention of the Department to the language used in the act under which the commission was required to identify these Choctaws, and suggested that by this language the commission was given a special jurisdiction over this particular question, and the Department would seem to have no authority to supervise the action of the commission in this regard. The Department, however, by a letter of August 10, 1899, decided that under its jurisdiction to approve the rolls of citizenship in the Choctaw Nation, the Department had authority to investigate into the action of the commission in identifying the Mississippi Choctaws, but that this authority would not be exercised until the rolls of Choctaw citizenship came before the Department for approval, when, should any of these Missis-

Mississippi Choctaws be entered thereon, the Department would review the action of the commission and determine whether or not the identification as Mississippi Choctaws of the persons thus enrolled had been in accordance with law and fact in each particular case.

As to the right of these Mississippi Choctaws to enrollment in the Choctaw Nation, the Department, in a letter of August 26, concurred in the views expressed by this office in its report of August 22, 1899, and held that they would be entitled to such enrollment on their removal and permanent settlement in the Choctaw Nation, Indian Territory. This was based on the action taken by Congress and the Dawes Commission previous to the Curtis Act. Congress had directed the commission to investigate and report to Congress as to the right of the Mississippi Choctaws, who remove to the Indian Territory and take up their residence in the Choctaw Nation, to enrollment as citizens of that nation under the fourteenth article of the treaty of 1830. In reporting pursuant to this direction the commission expressed the opinion that the Mississippi Choctaws who removed to the Indian Territory would be entitled to enrollment as citizens of the nation and to participation in the benefit of the common property of the nation, except they would not be entitled to receive any part of the annuities. Congress had this report before it when it adopted the provision in the Curtis Act requiring the commission to identify these Mississippi Choctaws, and the Curtis Act, therefore, was taken as the approval by Congress of the opinion of the commission as to the rights of these Indians.

**Lands for Seminoles.**—In the agreement with the Seminole Indians ratified by act of July 1, 1898, it was provided, among other things, that the United States would secure from the Creek Nation the cession of such quantity of land adjoining the Seminole lands on the east as, when added to their present reservation, will give to each Seminole an adequate allotment. October 3, 1898, the office submitted a draft of instructions to the Dawes Commission directing it to endeavor to secure from the Creek Nation a cession of the lands necessary for that purpose. These instructions were approved by the Department and transmitted to the commission. The commission has reported that its communication to the Creek authorities on the subject was not responded to by the legislature of the Creek Nation and the commission expressed the opinion that it would be impossible to secure from the Creek Nation any cession of lands for the purpose mentioned.

**Allotments.**—By the Curtis Act provision is made for a per capita allotment of the lands of the nations in the Indian Territory, and by the Choctaw and Chickasaw agreement provision is made for the appraisalment of the lands of those nations and the allotment thereof, according to the value of the land, to the citizens of the nation, giving to freedmen 40 acres of the average land. The plan of allotment outlined in the agreement is designed to divide the assets of the tribes among the citizens, the lands being treated as assets, their value to be

ascertained and the allotment to be made of the land according to its value, so that each member of the tribe will have an equal proportion, so far as value of the property of the tribe is concerned.

The title to be given in the Choctaw and Chickasaw nations is a restricted fee, the restriction being in the form of a regulation against alienation. The title to be given under the act is a mere certificate of the right to use and occupy the tract allotted, and this use and occupancy is only of the surface, the minerals, as has been shown herein, being reserved for the benefit of the tribe.

In the Creek Nation large tracts had been leased to cattlemen and were held in pasture, and the act annulled these leases.

In order to enable the individual citizen to have definitely set apart to him not exceeding his pro rata share of the tribal lands, the Department, on October 7, 1898, prescribed some regulations under which the Dawes Commission has proceeded to make what they have termed preliminary allotments—that is, offices have been and will be opened in the various nations where the citizens may go and register their selections of land, declaring their intention to take the same in allotment when allotments shall be made. The regulations restrict the Creeks to 160 acres, the Choctaws and Chickasaws to 240 acres, and the Cherokees to 80 acres. After having filed with the Dawes Commission their intention to take particular tracts in allotment, the allottees are permitted, with the approval of the Secretary of the Interior, to lease for one year for grazing or agricultural purposes the tracts selected for themselves and their families. Under this plan some 348 leases for grazing purposes have been made and approved by the Secretary of the Interior.

The commission, under direction of the Department, has appointed a large number of appraisers and is now engaged in appraising the lands of the Choctaw and Chickasaw nations and of the Seminole Nation, with a view to permanent allotments within those nations under their several agreements. The work, so far as this office has been informed, is proceeding as rapidly, apparently, as is consistent with its importance.

In the Chickasaw Nation it seems that many large tracts are held under the control of few individuals, and one man is said to hold and cultivate, in Pauls Valley, about 10,000 acres of the finest land in the nation. The Curtis Act prohibits citizens of the several nations from occupying more than their pro rata shares and the shares of their wives and minor children, and provides for the prosecution of all who hold more than their rightful share of lands. The Department, in a communication of July 27, 1899, to the commission, held that while the Department of Justice, through its officers in the field, was required by the law to bring the actions necessary to punish parties holding more than their pro rata share, it was the duty of the commission and of all of the employees of the Interior Department in the Indian Territory to assist the United States attorneys in every way possible in carrying out the statute.

It has been held by some that the provisions of the Curtis act, restricting the occupancy of land, do not apply to the Choctaw and Chickasaw nations, because it is in conflict with the governmental powers of the nations, continued in force with modification for the period of eight years from the 4th of March, 1898. As to this, it would seem that the question is really a judicial one and can be very easily determined by the courts on proceedings being instituted under the act against persons in these nations for the violation of that provision.

#### TOWN SITES.

While the office regards all of the matters that are to be performed under the Curtis Act as of importance, the town-site provisions of the law and of the Choctaw and Chickasaw agreement present perhaps the most important of all duties to be performed by this Department under the act. This is especially so on account of the opportunities in the execution of this law for land grabbing in the way of claims to lots, etc. The importance of this matter of laying out, surveying, appraising, and selling the lots of the towns is demonstrated by the fact that the people in the Indian Territory very soon after the passage of the Curtis Act took a feverish interest in town-site affairs and seemed to regard the town-site provisions in the act and agreement as far overshadowing all others. It became apparent from the correspondence in July, 1898, that a great many people were jumping lots in towns in the Indian Territory and hurriedly making improvements with a view to purchasing the lots at one-half the appraised value. On the matter being presented to the Department by the Dawes Commission, the Department directed that the agent for the Union Agency be instructed "to advise all parties seeking information on that point that no one will be allowed to secure title to the town lots under the Curtis Act and the agreement who does not show good faith in his every act; that jumping will not be tolerated by the Department, and that when the town lots are disposed of under said act all persons who have not acted in good faith will not be permitted to secure title to said lots."

No action could be taken by the Department, however, with a view to laying out towns in the Indian Territory immediately after the passage of the Curtis Act on account of the lack of appropriations available to pay the expense. Congress, however, in the act of March 3, 1899, made an appropriation of \$30,000 to pay the expense of town-site commissions. Ten thousand dollars had also been appropriated in December on a request submitted by the Department, immediately after the passage of the Curtis Act and before the adjournment of the second session of the Fifty-fifth Congress, for an appropriation to carry out the town-site and other provisions of the act. There were, therefore, \$30,000 available for town-site purposes only, and \$10,000 available for all purposes, town site included.

In March, the President appointed Dr. John A. Sterrett, of Troy, Ohio, to be a town-site commissioner for the Choctaws, and the principal chief of the Choctaw Nation appointed Mr. Butler S. Smiser, of Atoka, Choctaw Nation, to be the other member of the Choctaw town-site commission. About the same time Mr. Samuel N. Johnson, of Troy, Kans., was appointed by the President to be a member of the Chickasaw town-site commission and Mr. Wesley Burney, of Ardmore, Chickasaw Nation, was appointed by the governor of that nation to be the other member of that commission.

Instructions were prepared in this office for the guidance of these two commissions, and after some modification by the Department they were approved and signed by the Secretary, on March 6, 1899. Among other things, the two commissions were directed to meet at Muscogee and formulate a plan of proceeding, and adopt blank forms for all needs, so that the work of the two commissions would be uniform. They met at Muscogee early in April, and after a careful consideration adopted the forms of blanks needed, which were approved by the Department and a supply was printed at the Government Printing Office.

About the 1st of June they proceeded, the Choctaw commission, to the town of Cale (since called Sterrett), and the Chickasaw commission to the town of Colbert, both towns being on the Missouri, Kansas and Texas Railroad Company, and near the boundary between the Choctaw and Chickasaw nations. Many delays were occasioned in the work of these two commissions on account of the purchase of necessary instruments for survey and on account of much correspondence as to the maximum size to be allowed for residence and business lots in the nations. The Department finally decided that the residence lots should be as nearly as practicable 100 by 150 feet, all lots to contribute from their depth for a 16-foot alley in the block; that the business lots should be as nearly as practicable 50 by 150 feet, the commissions, however, being given discretion to make the lots larger or smaller, as the circumstances of the case might warrant, not, however, larger than would be reasonable and right to the nation.

The commissions were directed to draw their plats of the towns in quadruplicate and on a scale not smaller than 100 feet to the inch. It was found, however, in experience at Sterrett that the scale was much larger than would enable the commission to place the town on one piece of tracing linen. It was therefore recommended by the office that the commissioners be permitted to draw their plats of the towns on as large a scale as practicable, not smaller, however, than 300 feet to the inch. This was approved by the Department, when, on August 29, 1899, the approved plats of the town of Sterrett were returned. The plat of the town of Colbert was approved by the Department on August 28, 1899. The Chickasaw town-site commissioners have moved their headquarters to Ardmore, one of the most important towns in the Chickasaw Nation, and are now engaged in the survey of that

town. The Choctaw town-site commission has moved its headquarters to Atoka, and is now engaged in the survey of that town.

On account of the insufficiency of appropriations and of the strong opposition in the Cherokee and Creek nations, the Department decided that for the present no town-site commissions would be appointed for those nations. The town of Muscogee, however, in the Creek Nation, was almost destroyed by fire February 23, 1899, and the people of the town represented that it would be a great saving to them if the Department would appoint a commission at once to lay out the town so that the rebuilding should be in conformity with the Government survey. Therefore this office agreed with Inspector Wright in recommending that a commission for Muscogee be appointed under section 15 of the Curtis Act, which was done.

The members of the commission are Mr. Dwight W. Tuttle, of Connecticut, chairman and disbursing officer; Mr. John Adams, appointed on behalf of the town secretary and clerk, while Mr. Benjamin Marshall was appointed by the Secretary on behalf of the nation, the principal chief having declined to make an appointment as provided in the act. The instructions for this commission were prepared in this office, and about April 6, 1899, the commission met in Muscogee for their preliminary consideration of matters.

The town of Muscogee is one of the most important towns, if not the most important town in Indian Territory. It has a population of between 5,000 and 6,000, is the headquarters of the Union Agency, of the Dawes Commission, and of the inspector for the Indian Territory. It is also one of the places where the United States court sits. The office understands that the preliminary survey of this town is about completed, and that, with the employees now at work, it will take about four months to complete the permanent survey and submit the plat for approval. In Department letter of September 2, 1899, authority was granted for the appointment of an additional surveyor, and it is thought that with this additional employee the commission can complete the permanent survey in much less time than the period estimated with the force now in its employ.

The town of Wagoner also experienced a destructive fire, and a commission has been appointed for that town. It was appointed August 1, 1899, and consists of Dr. Henry C. Linn, chairman and disbursing officer; John H. Roark, clerk and secretary, and Tony Proctor. This commission has but just entered on its duties.

There is one situation in the Cherokee Nation which may be deemed of sufficient importance to demand a modification of the town-site law, so far as relates to that nation. The Cherokee Nation is the only one of the Five Civilized Tribes which had any provisions for laying out of town sites or establishing towns. In the that nation there was a town-site law under which commissioners were appointed who laid off the lands where a town was to be built and sold lots to citizens of

the nation, payments being made in installments. In this way most of the towns in that nation have been established, and the lots are in the ownership or possession of citizens who acquired this ownership or possession for valuable consideration paid to the nation. Some correspondence has been received in this office from parties who are still in debt to the nation for town lots purchased under this arrangement, in which they have asked whether they should continue to pay to the Indian agent—of course for the benefit of the nation—the balances on their indebtedness for the lots purchased. The office instructed the agent to collect these balances due from citizens for town lots, but advised that the parties paying the same should be permitted to do so under protest, so that any rights they may have might be preserved.

Under section 15 of the act unimproved lots are regarded as the property of the nation and are sold at auction to the highest bidder at not less than the appraised value. No hardship can follow this rule in the Creek, Choctaw, or Chickasaw nation; but in the Cherokee Nation, where, under the law, citizens thereof have purchased from the national authorities the lots in a town, and in some instances paid high prices for them, it would naturally follow that they should be given a preference to purchase the same lots in case of sale by the Government under the town-site law contained in the Curtis Act. Of course, the title obtained by the citizens from the Cherokee Nation in this purchase was a mere right of occupancy and protection by the nation in that right of occupancy, but the question is whether the nation shall be permitted to sell to its citizens the right of occupancy and not give the citizen the benefit of that right when the lots come to be sold in absolute title. The office is inclined to think that justice and right would suggest a modification of the town-site provision in the Curtis Act so as to authorize the sale to Cherokee citizens of town lots which they have purchased from the nation, they to pay such additional price over what has already been paid as will make up the difference in the value of an occupancy right and a fee simple.

#### MISCELLANEOUS.

**Improvements of Intruders.**—Among the miscellaneous matters in the Indian Territory that do not fall under the general classifications of affairs as hereinbefore set out is the question of the payment of the value of improvements of intruders in the Cherokee Nation. By the act of 1893 the agreement between the United States and the Cherokee Nation, providing for the cession of the Cherokee Outlet, was ratified with an amendment, among others, providing for the appraisal of the improvements made by intruders in the nation prior to August 11, 1886, and for the payment to them of such appraised value before such intruders would be liable to removal under the provisions of the agreement and the previously existing treaties. A board of appraisers was appointed under this amendment, who appraised all of the improve-

ments of the intruders in the nation which had been made prior to August 11, 1886. By a clause in an Indian appropriation act Congress provided that on the payment of the appraised value by the Cherokee Nation, or tender of the payment, these improvements would become the property of the nation and the intruder would be liable to the nation for rent thereof unless they were surrendered.

When payment for the improvements came to be made in 1896 about half of the intruders declined to accept the amount tendered, and the balance of the money appropriated for the purposes of paying for these improvements was held in the treasury of the Cherokee Nation until the last regular session of the council of that nation, when an act was passed covering the money into certain funds of the nation. Now, some of the intruders have applied for this money. The Indian nation has no power to disburse any of its money, the amount previously held to meet this liability having been turned back into the Treasury of the United States to the credit of the Cherokee funds. The question was therefore submitted by this office to the Department as to whether or not the Cherokee Nation was bound to hold the amount of the appraised value of the improvements of an intruder continually subject to his demand, and if so, whether at this time, the money having been returned to the Treasury, the Department could use any of the ordinary funds of the nation for the purpose of paying these amounts.

The office also suggested that if the Department thought these amounts should be paid at this time, it would be but just and right to charge the intruder the reasonable rent which is due the nation for the improvements which have been held by him since the date of tender.

The Secretary decided that the Cherokee Nation was not bound to hold the money on tender for an indefinite length of time, and that it is too late now for the intruders, who declined to accept payment when the amount awarded was tendered, to make application for payment. Therefore, if these intruders desire to insist on payment at this late date they will have to go to Congress for their relief.

**Southern Boundary of Indian Territory.**—Another question of considerable importance is the southern boundary of the Indian Territory—that is, the boundary between the Choctaw and Chickasaw nations and the State of Texas. When this office came to make up tract books from the plats of the survey of the Choctaw Nation it was observed that along the southern boundary a large number of tracts, some of them embracing as much as two sections of land in one place, had not been surveyed by the Geological Survey, but were marked "Texas." It was ascertained from the Director of the Geological Survey that there are persons living on these tracts who claim to have purchased the lands from other persons who acquired them from the State of Texas at a time when the Red River, which is the boundary, ran to the north of these lands. Mr. Fitch, who had charge of the survey of the Indian Territory, states that there is strong evidence of the river having



changed its bed, and that on account of an opinion by the Assistant Attorney-General and correspondence with the Department on the subject, the lands, which are shown to have formerly been south of the Red River, but are now north, were omitted from the survey of the Indian Territory. This presents a rather serious condition, inasmuch as it is quite certain that if the river will in one case change its bed by taking a short cut across instead of going around a bend, so as to throw land north of the river that was formerly south, it would also in like manner change its bed throwing to the south land that was formerly north; but as the Geological Survey had no authority to make any investigations in Texas there was no data to determine whether in the changes of the river the State of Texas or the Choctaw Nation is the loser. Mr. Fitch suggests that a commission be appointed for the purpose of establishing the boundary between Texas and the Indian Territory, and it seems to this office that this is very desirable.

### INDEMNITY FOR LYNCHING OF SEMINOLES, INDIAN TERRITORY.

In the last annual report a full account was given of the torturing and burning of Seminole Indians at the stake, by a mob of white men from Oklahoma, in revenge for the killing of one Mrs. Leard, a white woman living in the Seminole Nation. It was also noted that Congress had appropriated (in act approved July 1, 1898) a sum not exceeding \$20,000 as indemnity to be paid other members of the Seminole Nation who had been injured by the mob.

January 4, 1899, the Department transmitted to this office a report dated December 20, 1898, from J. George Wright, United States Indian inspector, giving the names of the Seminoles entitled to "indemnity for injuries or aggressions" committed upon them, and also the amount to which each one was, in his opinion, entitled by reason of personal injury, loss of a relative, or destruction of property. January 19, 1899, after consultation with Inspector Wright, the office submitted to the Department a statement of the injuries sustained by each of the twenty-four persons found to be entitled to remuneration, with recommendation made as to the amount that should be paid in each case, as follows:

1. Thomas McGeisey:		
(a) For amount of property destroyed .....	\$1, 113. 25	
(b) For the burning to death of his son Lincoln .....	5, 000. 00	
		<hr/> \$6, 113. 25
2. Mrs. Sukey Sampson:		
(a) For amount of property destroyed .....	82. 50	
(b) For the burning to death of her son Palmer .....	5, 000. 00	
		<hr/> 5, 082. 50
3. John Washington:		
(a) For severe personal injuries .....	500. 00	
(b) For property lost .....	33. 00	
		<hr/> 533. 00

4. George P. Harjo, for severe personal injuries .....	\$300.00
5. William Thlocco, for personal injuries .....	300.00
6. George Kernell, for personal injuries .....	100.00
7. Sam Ela, for personal injuries .....	100.00
8. Kenda Palmer (light horseman), for arrest and deprivation of liberty .....	50.00
9. Tul Masey (light horseman), for arrest and deprivation of liberty .....	50.00
10. Peter Osanna (light horseman), for arrest .....	50.00
11. John Palmer (light horseman), for arrest .....	50.00
12. Seper Palmer, for arrest .....	25.00
13. Chippy Coker, for arrest .....	25.00
14. Duffy P. Harjo, for arrest .....	25.00
15. Samuel P. Harjo, for arrest .....	25.00
16. Johnson McKaye, for arrest .....	25.00
17. Parnoka, for arrest .....	25.00
18. Cobley Wolf, for arrest .....	25.00
19. Sever, for arrest .....	25.00
20. Shawnee Barnett, for arrest .....	25.00
21. Moses Tiger, for arrest .....	25.00
22. Peter Tiger, for arrest .....	25.00
23. Thomas Thompson, for arrest .....	50.00
24. Billy Coker, for arrest .....	25.00
<b>Total .....</b>	<b>13,078.75</b>

January 21, 1899, the Secretary directed payments to be made as above through the United States Indian agent for the Union Agency, Indian Territory, and the agent was so instructed February 2, 1899. Out of the \$13,078.75 to be disbursed, he has paid up to the present time about \$11,000.

### POTTAWATOMIE AND KICKAPOO SURPLUS LANDS IN KANSAS.

The act approved February 28, 1899, authorizes the Secretary of the Interior, with the consent of a majority of the chiefs, headmen, and male adults of the Prairie band of Pottawatomie tribe of Indians and the Kickapoo tribe of Indians in Kansas, expressed in open council by each tribe, to cause to be sold in trust for said Indians the surplus or unallotted lands of their reservations in Jackson and Brown counties, Kans.

This law is virtually a reenactment, except as to a few minor details, of the provisions of section 10 of the act of March 2, 1895, under which act negotiations with the Indians for the sale of their surplus lands failed.

March 17, 1899, Inspector A. W. Tinker was instructed by the Department to present the matter to the two tribes and to report the results of his conference with them.

## PAYMENTS FOR OTOE AND MISSOURIA LANDS IN KANSAS AND NEBRASKA.

The controversy that has existed since May, 1883, between the Otoe and Missouria Indians and the settlers on their former reservations in Kansas and Nebraska as to the purchase price of those lands remains unsettled. On April 20, 1899, the Department transmitted to this office a proposition of settlement formulated by Mr. J. A. Van Orsdel, an attorney for the settlers, which provided for revision and readjustment of sales, in accordance with the act of March 3, 1893 (27 Stat., 568). The proposition was as follows:

1. That the actual market value of the lands at the time of said sale shall be ascertained by sworn testimony taken in the form of depositions before an officer legally authorized to take depositions, at which the settlers, the Government, and the Indians may be represented by counsel. Except as herein specially provided, such evidence shall be taken under such rules and regulations as may be prescribed by the Secretary of the Interior.

2. From the evidence so taken, the Secretary of the Interior shall ascertain and declare the actual market value of said land at the date of said sale; provided, however, that in no case shall the value so ascertained be declared at less than the original appraised value of said land.

3. The basis of settlement between the parties in interest shall be the value so declared by the Secretary of the Interior, together with simple interest at the rate of 5 per cent per annum from date of sale, with due credit and allowance for any payments made by settlers from the date of such payments.

4. That any and all balances found to be due from said settlers to the Government for the use of said Indians shall be paid and fully satisfied within ninety days after notice shall be given to said settlers of the amount due in each instance.

5. That where lands have been fully paid for at the original purchase price, any amount paid in excess of the value of such lands as ascertained and declared by the Secretary of the Interior, as hereinbefore provided, together with simple interest on such excess amount at the rate of 5 per cent per annum, shall be rebated to said settlers out of any moneys held by the Government to the credit of the said Indians within the period of ninety days after the values are ascertained and declared as aforesaid.

By direction of the Department, Inspector James McLaughlin, on June 15, 1899, was instructed to hold a conference with the Indians and lay the proposition before them. August 17 he reported that after a full discussion of the matter they emphatically expressed themselves as against the conditions of Mr. Van Orsdel's plan of settlement.

## HOSTILITIES AMONG PILLAGER CHIPPEWAS IN MINNESOTA.

In the latter part of September, 1898, it was reported to the Department that a conflict was feared at Leech Lake, Minnesota, between the Pillager Chippewas and the white people. The United States Indian agent of the White Earth Agency, John H. Sutherland, and also

Inspector Tinker were at once directed to investigate the matter, and at the same time the War Department was requested to send troops to Leech Lake to preserve the peace and protect life and property.

It seems that in April, 1895, Bugonaygeshig, a Pillager Chippewa, whose home was on Bear Island, was arrested by a deputy United States marshal for disposing of whisky to an Indian, but owing to lack of witnesses he was discharged. In June of the same year he and some other Indians were served with subpoenas to appear as witnesses in a case against an Indian who had been arrested for assault with intent to kill. The Indians paid no attention to the subpoenas, and writs of attachment were issued against them for contempt of court. Bugonaygeshig was placed under arrest at Bear Island, but was rescued by his friends. In October bench warrants were issued for him and twelve other Indians. During the May, 1897, term of court the agent induced nine of the thirteen Indians to go with him to court. They plead guilty to the charge of resisting deputy marshals and were sentenced to thirty days in jail. At the October term another Indian did likewise and received the same sentence. The other three were Bugonaygeshig, Shobon-daysh-kung, and Wahyahbegunzhebid. September 15, 1898, the first two while attending the annuity payment at Leech Lake were arrested by a deputy marshal and placed in the agency jail. When the steamboat arrived to take the party across the lake to the railroad, the prisoners were rescued from the officers by fifty or sixty of their friends. Warrants were then issued for more than twenty of the Indians who had taken part in the rescue.

When the agent and inspector reached Leech Lake September 30, 1898, they found the Indians still aroused over the occurrence of two weeks previous, and that they had been holding councils and arming themselves and were determined not to surrender the men wanted by the court officials. Runners were immediately sent among the Indians calling them to a council to be held at the agency the following Monday, October 3, with assurances that none who came would be arrested. The same evening an army officer with twenty soldiers arrived at Walker, the railroad station, 6 miles from the agency, and also Deputy Marshal Sheehan, who next day served additional subpoenas, but when requested to desist, did so. But few Indians attended the council, the Indians claiming that those at a distance had been unable to get there owing to high winds which made the lake too rough for their canoes; but when, at their request, a steamboat was sent to bring in the Bear Island and Sugar Point Indians, 35 miles distant, those Indians refused to return in it.

Meantime General Bacon, Major Wilkinson, and Lieutenant Ross with 80 soldiers had arrived for the purpose of assisting Mr. Sheehan and other deputy marshals to make the arrests, and next morning, October 5, at daylight, they, with the agency police and interpreter, took tugs for Sugar Point. Leaving a detachment to protect the boats, the rest of

the party went 2 miles through the woods to an Indian village, and not finding any of the Indians whom they wanted they returned to the landing point. Near that place Deputy Marshal Sheehan discovered two of the Indians wanted, arrested them, and when they resisted put them in irons on one of the tugs. While the soldiers were stacking their arms preparatory to getting dinner, one of the guns was accidentally discharged; whereupon the Indians, who were concealed in the neighboring woods, opened fire, taking the soldiers by surprise. Major Wilkinson and 6 soldiers and 1 Indian policeman were killed and 12 soldiers and 1 Indian policeman were wounded, as were also the inspector and Deputy Marshal Sheehan. October 6 200 more soldiers arrived, and the following day the Indians held a council with the agent and active hostilities ceased.

About this time, at the request of the Secretary of the Interior, I proceeded to Leech Lake, and arrived at the hostile camp on October 14. A council was held the same day, at which several of the Indians for whom bench warrants were issued agreed to surrender and stand for trial. Councils were held from day to day until the 18th, when at the final council all for whom warrants were issued, with the exception of three, surrendered to the United States marshal. This ended the disturbance, and the Indians soon quieted down.

The trial of the Indians took place October 21 at Duluth, Minn., and 12 were found guilty and sentenced as follows:

O ge mah we gah bow, eight months in the Clay County jail at Moorland and a fine of \$100.

May dway we nind, ten months in the Clay County jail and a fine of \$100.

Way be shay sheence, eight months in the Clay County jail and a fine of \$100.

Mah quah, ten months in the Clay County jail and a fine of \$100.

Bay pah mansh, eight months in the Ottertail County jail at Fergus Falls and a fine of \$100.

Pe nay see, ten months in the Ottertail County jail and a fine of \$100.

Mah ce nah e gaunce, eight months in the Ottertail County jail and a fine of \$100.

May quom, eight months in the Ottertail County jail and a fine of \$100.

She mah gun ish, ten months in the St. Louis County jail at Duluth and a fine of \$100.

Dung ish kow, eight months in the county jail at Duluth and a fine of \$100.

Bah dway wee dung wonce shish, sixty days in the St. Louis County jail and a fine of \$25.

May mansh kow aush, son of old Bug ah nay ge shig, sixty days in the St. Louis County jail and a fine of \$25.

After these Indian prisoners had served about two months of their imprisonment the office was of opinion that the ends of justice would be just as well subserved and their punishment would be just as salutary if they should not be compelled to serve their full terms, and that if clemency were shown it would have a good result as manifesting the desire of the Government to treat the Indians fairly and to make allowance for the peculiar circumstances in the case. As is well known, the Chippewas have always been peaceful and friendly to the Government. The recent so-called "outbreak" was their first serious offense, and as

they were induced to surrender without further bloodshed, partly upon the promise that the Government would act justly toward them and would so far as possible be lenient in view of their past good record, the office recommended, December 13, 1898, that the Department of Justice be requested to take steps to secure Executive clemency for all of these Indian prisoners, commuting their term of imprisonment to two months, remitting their fines, and sending them to their homes after suitable warning and assurance on their part of good conduct in the future. This recommendation was approved and forwarded to the Department of Justice, and June 3, 1899, the pardon asked was granted.

Irritation growing out of the arrests by deputy marshals, as above recited, may be assigned as the immediate cause of this outbreak; but more than that is needed to explain such an unlooked-for act of hostility on the part of a small portion of a tribe which has been the traditional friend of the white people and which stood between helpless settlers and the Sioux in Minnesota's terrible years of 1862 and 1863. For many years Chippewas have been arrested and taken from their homes to St. Paul and other points as witnesses or as offenders, chiefly in whisky cases. Often wholesale arrests have been made solely for the sake of the fees which would accrue to the officials. Indians have been helped to obtain whisky by the very ones who arrested them for using it. In some cases Indians carried off to court have been left to get back home as best they could. The whole matter of arrests by deputy marshals had come to be a farce, a fraud, and a hardship to the Chippewas and a disgrace to the community.

But neither does this by itself explain the outbreak. When a delegation of Chippewas visited Washington last winter their most bitter complaint was about injustice in the use of their funds and frauds in the disposition of their timber. Without going into details it is sufficient to say that in 1889 the Chippewas were with difficulty induced to cede to the United States large tracts of valuable pine lands on the representation that the sale of the pine would bring them in a fund of several million dollars. As is always the case many Indians were utterly opposed to the negotiations. A commission was appointed to make allotments on ceded and reservation lands and to secure removals to White Earth of those who were willing to go there. Estimators were appointed to appraise the Chippewa pine. The expense of both is charged to the fund of the Indians. The expense of the commission up to date has been not less than \$200,000, most of it in salaries. The work of the estimators proved worthless and a second set of estimators was appointed with no better results, and a third set of men was assigned to the work. Up to date about \$280,000 has been charged to the Indians for estimating. Meantime large tracts of pine which had been estimated at from one-fourth to one-half their value were sold, and that loss also fell upon the Indians. Again, under authority to dispose of dead and down timber, contractors have cut large quantities of green standing timber. There are also

strong indications that considerable timber was fired to bring it nominally under the head of "dead" timber. This was another loss to the Indians. (See Senate Doc. No. 70, Fifty-fifth Congress, third session, pp. 84 and 101.)

All these and other minor influences wrought together to produce the general feeling of oppression and distrust and exasperation which found expression when the arrests were undertaken by the aid of military force.

### NEGOTIATIONS FOR PIPESTONE RESERVATION, MINN.

Under the head of "Indian school sites" reference was made in my last annual report to the provision contained in the Indian appropriation act approved June 7, 1897 (30 Stats., p. 87), directing the Secretary of the Interior to negotiate, through an Indian inspector, with the Yankton tribe of Indians, in South Dakota, "for the purchase of a parcel of land near Pipestone, Minn., on which is now located an Indian industrial school," and it was stated that the duty of conducting the negotiations had been assigned to Inspector James McLaughlin under instructions of April 25, 1898. This tract contains the red pipestone quarries famous in Indian legend and history and not unknown to our own literature.

During the latter part of April last the inspector arrived at the Yankton Agency, and on the 27th of that month met the Indians in council. Further councils were held from day to day until May 2, when they finally adjourned without having reached an agreement. In his report of May 3, which was forwarded to this office by the Department May 10, 1899, accompanied by full minutes of the council proceedings, Mr. McLaughlin says that some of the Indians at first set a valuation of \$3,000,000 on the reservation, which embraces 684.4 acres, or a little more than one section; but subsequently they reduced it to \$1,000,000. At the last council, however, they offered to accept \$100,000, with the condition that they be still permitted to go upon the reservation for the purpose of obtaining pipestone from its quarries. On the other hand, the inspector, who had first offered them \$100 per acre, or \$64,840, made them a final offer of \$75,000 for the tract, which the Indians refused. As \$75,000 was a very liberal offer, the inspector left the agency May 4, believing that a postponement of negotiations would cause the Indians to regret their refusal of his offer and to be more ready to accept it when negotiations should be resumed in the future. The office is informally advised that in accordance with a recent request of the Indians, addressed to the Department, Inspector McLaughlin was instructed August 1 to return to the Yankton Agency for the purpose of resuming negotiations.

Now that the Government has a valuable school plant upon that reservation, upon which it is about to expend over \$30,000 for additional

buildings and improvements, it is to be hoped that an agreement with the Indians will be concluded at an early day, so that undisputed title to the land will rest in the Government.

### NORTHERN CHEYENNE RESERVATION, MONT.

The Indian appropriation act approved July 1, 1898, (30 Stats., 596, 597), provides for investigating the condition of the Northern Cheyenne Reservation in Montana, the status of white settlers thereon, the question of removing the Indians elsewhere, etc. The section is as follows:

SEC. 10. That the Secretary of the Interior be, and he is hereby, directed to send an inspector of his Department to the reservation of the Northern Cheyenne Indians, in the State of Montana, and said agent shall be instructed to make a full and complete report to the Secretary of the Interior upon the conditions existing upon said reservation, said report to be available for use on or before the fifteenth day of November, eighteen hundred and ninety-eight.

It shall be the duty of the said inspector to ascertain if it is feasible to secure the removal of said Northern Cheyenne Indians from the present reservation to some portion of the Crow Indian Reservation in the State of Montana. He shall also ascertain and report in detail the number and names of the white settlers legally upon the Northern Cheyenne Reservation, the number of acres of land owned by them, its location, and the value thereof, and of the improvements thereon; also the number and names of white settlers who are alleged to be illegally settled upon the reservation, the circumstances attending their settlement thereon, and their location. He shall also enter into negotiations with the white settlers upon said reservation, who have valid titles, for the sale of their lands and improvements to the Government; and he is hereby authorized and empowered to make written agreements with such settlers, which agreements shall not be binding until ratified and approved by the Secretary of the Interior. He shall also make recommendations as to the settlement of the claims of such white settlers as have gone upon said reservation under circumstances which give them an equitable right thereon.

He shall investigate the subject of fencing in the said reservation, and shall indicate the lines such fence should follow, and the estimated cost of same, and shall report upon the number of cattle and sheep which may safely be pastured within the limits recommended to be fenced. He shall further report upon and make recommendations with reference to any and all matters which in his judgment have any bearing upon the question of securing an equitable adjustment of the difficulties now existing upon said reservation and with especial reference to bringing about a satisfactory settlement with the white settlers, both as to the sale of their lands to the Government and the adjustment of the reservation limits.

United States Inspector James McLaughlin was assigned to this work under instructions of this office, approved by the Department August 3, 1898. His report of November 14, 1898, which was transmitted to the Department January 14, 1899, contained the following recommendations, in which this office concurred:

1. That the reservation be extended so as to furnish the Indians with an ample supply of water and grazing lands.
2. That the lands and improvements of certain settlers within the original reservation and the proposed addition be purchased at a valuation of \$151,595.



3. That in case the reservation boundary should be extended, the same be fenced on its north and south boundaries at a cost not to exceed \$7,150.

4. That bulls and heifers be purchased for the Cheyennes at a cost not to exceed \$28,200.

5. That an appropriation be made for the erection of new buildings at the Tongue River Agency and repairing old ones, not to exceed \$10,000; also for the establishment of a subissue station, blacksmith shop, and farmer's residence on Tongue River, at a cost not to exceed \$3,055—the entire appropriation recommended being \$200,000.

The report and recommendations were submitted to the House of Representatives January 16, 1899 (House Doc. No. 153, Fifty-fifth Congress, third session), and an amendment was placed by the Senate upon the Indian appropriation bill which provided for establishing the boundaries of the reservation, and made appropriation for purchasing the lands and improvements of the settlers, purchasing cattle, fencing the reservation, etc., as recommended; but the amendment was not agreed to in conference. Senate bill No. 5561, Fifty-fifth Congress, third session, containing provisions similar to the amendment, passed the Senate, but failed in the House.

### ZUÑI PUEBLO GRANT, NEW MEXICO.

The status of the grant of land occupied by the Zuñi Pueblos was set forth in my last annual report, and no change has taken place since. Their title to this tract, of which the tribe has been in possession for two hundred years, is still unconfirmed, and can be secured to them only by special act of Congress. A draft of the necessary legislation will be prepared for submission to Congress at its next session.

### BOUNDARY OF KLAMATH RESERVATION, OREG.

The Indians occupying the Klamath Reservation, Oreg., have had a long-standing grievance because the survey of the outboundaries of the reservation was not made in accordance with the terms of the treaty of October 14, 1874 (16 Stat., 707), and large areas of the land reserved for their use by the treaty were by the survey excluded from the reservation. Much of this land has been taken up by white settlers, whose claims have been recognized by the issuance of patents, etc. For more than twenty-five years the Indians have protested against this great wrong to them, and at times it has required the influence of both civil and military authorities in the locality to prevent an outbreak. Congress finally provided, by a clause in the Indian appropriation act of June 10, 1896 (29 Stat., 321), for a commission to investigate and determine the correct location of the boundary line according to the terms of the treaty, the number of acres, if any, excluded from the reservation, and its character and value in a state of nature.

The commission consisted of W. P. Coleman, of Missouri; R. H.

Hammond, of California, and I. D. Applegate, of Oregon, and their report, December 18, 1896, was, with draft of a bill, submitted to Congress January 26, 1897. Their findings were that 617,490 acres, valued at 86.36 cents per acre, aggregating \$533,270, had been excluded from the reservation by the erroneous survey of its exterior boundaries. (See Senate Doc. No. 93, Fifty-fourth Congress, second session.)

By a clause in the Indian appropriation act of July 1, 1898 (30 Stat., 592), Congress provided for a resurvey of the exterior boundaries of the reservation in accordance with the treaty, and directed the Secretary of the Interior to negotiate with the Indians through an Indian inspector for the relinquishment of their right and interest in a portion of the reservation, and also to ascertain what portion of the reservation is occupied by citizens of the United States, for what purpose and under what title.

Indian Inspector W. J. McConnell, who was charged with these duties, concluded an agreement with the Indians December 27, 1898.

By that agreement the Indians convey to the United States all their claim to that part of the Klamath Reservation lying between the boundaries as described in the treaty, which were also confirmed by the Klamath boundary commissioners, and the boundaries established by the survey made in 1871 under the authority of the General Land Office, approximating 617,490 acres.

The United States agrees, in consideration of said cession, to pay the Indians the sum of \$533,270, or 86.36 cents per acre for the quantity of land that may be found by the resurvey to be within said boundaries. This amount, more or less, after payment of the legal fees of attorneys, is to be deposited in the Treasury of the United States, and interest thereon at the rate of 5 per cent per annum to be paid the Indians annually per capita. The principal is to remain in the Treasury until such time as the Klamath Indians shall, by petition through the United States Indian agent and the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, ask to have portions of it paid to them per capita from time to time as their needs may require.

The contract for the resurvey of the exterior boundaries of the reservation has been let by the Commissioner of the General Land Office, as required by the act of May 1, 1898, but this Office has no official information regarding its present status.

The agreement concluded by Inspector McConnell is not altogether satisfactory to this office, the provisions inserted in the draft of legislation submitted to Congress January 26, 1897, being regarded as much better for the interests of the Indians; but as the requirements enjoined by the subsequent legislation of Congress have been performed, favorable action of some kind should be had upon the agreement.

The Indians have shown great patience and forbearance. They are not annuity nor ration Indians, being almost wholly self-supporting,

and as they have taken their allotments of land the money paid to them in adjustment of this claim will be wisely used by many in the improvement of their homes. Consideration for their past treatment and their future welfare entitles these Indians to the speedy adjustment of this claim.

### FISHERIES IN WASHINGTON.

As stated in the annual report of last year, a suit was commenced and prosecuted against the Alaska Packers' Association et al., to prevent interference by that association with the fishery rights of the Lummi Indians at the ancient fisheries located on the reef at Point Roberts, Washington, which were reserved to them by the treaty of January 22, 1855 (12 Stats., 928). This suit was decided against the Indians, and by direction of the Attorney-General an appeal was taken and the case finally brought to the Supreme Court of the United States. May 4, 1899, the Acting Attorney-General advised the Department that, in his opinion, the case should be dismissed, but before taking final action he desired to bring the matter to the attention of the Department, and requested that this office be directed to state any reason why the course suggested by him should not be adopted.

In a report to the Department, dated May 5, 1899, this office, after reciting the history of the matter, stated that it was deemed best to leave this subject to the good judgment of the Department of Justice, which was perfectly familiar with the pleadings and testimony, as well as the law in the case, and this office would rely upon that Department to determine the matter wisely in the interest of right and justice.

May 3, 1899, the Attorney-General stated that after a very careful consideration of the question involved in the case he had concluded that a suit could not be maintained in the Supreme Court. He therefore, on May 22, 1899, submitted a motion to the court to dismiss the appeal of the Government therein, which was granted. This action was based upon a stipulation entered into with the opposing counsel, which, after stating at length the facts as set forth in previous correspondence with the Department, concludes as follows:

Wherefore, as it sufficiently appears from the facts in the record that the traps and other appliances of the Alaska Packers' Association, adjacent to Point Roberts Reef, as now constructed with end openings and lateral passages, as provided by the laws of the State of Washington, do not interfere with or deprive the Lummi Indians of the enjoyment of the fishing rights claimed by them or by the United States on their behalf to be guaranteed by Article V of the treaty of 1855, and as there is, therefore, now left for the decision of the Supreme Court only a moot question as to the proper interpretation of the said article of the treaty mentioned, which, under its decisions, the Court would decline to entertain and consider upon the record in this case, it is therefore and hereby stipulated by counsel for the parties hereto that the appeal herein shall be dismissed, but without prejudice to or waiver by the United States of the right hereafter to seek construction of the article of said treaty aforesaid and to enjoin the construction or maintenance of traps or other fishing appliances in any

so where the same shall be hereafter so constructed or maintained by any person persons as to deprive the Indians of such rights as they or the United States their behalf may claim said Indians are legally entitled to enjoy under the treaty aresaid.

The Attorney-General also stated that as far as it was possible to so o such rights as the Indians may have were not waived by the dis-  
missal of the case.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner*.

The SECRETARY OF THE INTERIOR.









**ANNUAL REPORT**

**OF THE**

**COMMISSIONER OF INDIAN AFFA**

**TO THE**

**SECRETARY OF THE INTERIOR**

**FOR THE**

**FISCAL YEAR ENDED JUNE 30, 1900.**



**WASHINGTON:**  
**GOVERNMENT PRINTING OFFICE.**  
**1900.**





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# REPORT

## OF THE

### COMMISSIONER OF INDIAN AFFAIRS.

OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., October 1, 1900.

SIR: The sixty-ninth Annual Report of the Office of Indian Affairs is respectfully submitted.

#### FINANCE.

##### APPROPRIATIONS.

The total amount appropriated for the Indian service for the fiscal year ending June 30, 1901, is \$8,873,239.24. Of this amount \$8,197,239.24 is appropriated by the Indian appropriation act of May 31, 1900, and \$676,000 by the act of June 6, 1900, ratifying the agreements with the Indians of the Fort Hall Reservation, in Idaho, and with the Apaches, Kiowas, and Comanches in Oklahoma.

The total amount appropriated for the fiscal year 1900 was \$7,749,951.94. This does not agree with the amount given in the last annual report, which is \$7,678,863.19. The difference, \$71,088.75, is accounted for by the fact that since that report was made appropriations aggregating the amount of the difference were made in the urgent deficiency bill of February 9, 1900, and the deficiency bill of June 6, 1900, as follows:

Current and contingent expenses.....	\$19,938.75
Miscellaneous supports, gratuities.....	2,650.00
Miscellaneous.....	48,500.00
Total.....	71,088.75

The different objects of appropriation for the two years are shown by the following table:

TABLE 1.—*Appropriations for the Indian service for the fiscal years 1900 and 1901.*

	1900.	1901.
Current and contingent expenses .....	\$831,378.75	\$824,240.00
Fulfilling treaty stipulations.....	2,665,600.81	2,512,447.45
Miscellaneous supports, gratuities.....	684,775.00	646,500.00
Incidental expenses .....	80,900.00	92,680.00
Support of schools .....	2,936,080.00	3,080,367.00
Miscellaneous .....	402,617.38	1,041,004.79
Payment for lands.....	148,600.00	676,000.00
Total.....	7,749,961.94	8,873,239.24

Excess of 1901 over 1900, \$1,123,287.30.

The difference is accounted for as follows:

Increase:

Incidental expenses .....	\$11, 780. 00
Support of schools .....	144, 287. 00
Miscellaneous .....	638, 387. 41
Payment for land .....	527, 400. 00
	<hr/>
	1, 321, 854. 41

Decrease:

Current and contingent expenses .....	\$7, 138. 75
Fulfilling treaty stipulations .....	153, 153. 36
Miscellaneous supports .....	38, 275. 00
	<hr/>
	198, 567. 11
	<hr/>
	1, 123, 287. 30

The estimates for 1901 submitted to Congress were as follows:

Current and contingent expenses .....	\$794, 200. 00
Fulfilling treaty stipulations .....	2, 331, 369. 52
Miscellaneous supports, gratuities .....	679, 000. 00
Incidental expenses .....	89, 180. 00
Support of schools .....	2, 781, 577. 00
Miscellaneous .....	125, 200. 00
	<hr/>
Total .....	6, 800, 526. 52

The excess of appropriations over estimates was \$2,072,712.72. The following are the principal items not included in the estimates that go to make up the excess:

Commission to Five Civilized Tribes .....	\$524, 000. 00
Town-site Commission, Indian Territory .....	67, 000. 00
Suppressing the spread of smallpox in Indian Territory ..	50, 000. 00
Payment to settlers on Northern Cheyenne Reservation ..	171, 615. 44
Payment to Flambeau Lumber Company .....	12, 039. 35
Payment to Indians, Fort Hall Reservation, and Apaches, Kiowas, and Comanches .....	676, 000. 00
	<hr/>
Total .....	1, 500, 654. 79

#### EXPENDITURES.

The expenditures for the fiscal year ending June 30, 1900, were as follows:

Current and contingent expenses .....	\$618, 487. 39
Fulfilling treaty stipulations .....	2, 410, 310. 75
Miscellaneous supports, gratuities .....	588, 474. 49
Trust funds:	
Interest .....	1, 498, 651. 48
Principal .....	216, 267. 04
Proceeds of land .....	94, 869. 40
Incidental expenses .....	62, 801. 82
Support of schools .....	2, 734, 245. 06
Miscellaneous .....	1, 952, 999. 33
	<hr/>
Total .....	10, 175, 106. 76

The amount given above as being for the support of schools represents only the expenditures from funds appropriated gratuitously by Congress for that purpose. This does not, however, represent the full amount expended for Indian schools. A large number of schools are supported out of funds belonging to the Indians, and it is estimated that of the sums reported above, as expended under the head of fulfilling treaty stipulations and interest on trust funds, \$600,000 was used for school purposes; so that it may safely be said that at least \$3,330,000 were devoted to the cause of Indian education.

Inquiry is sometimes made of the Office as to how much the Indians have cost the Government since its beginning. To such inquirers it will probably be of interest to know that, according to the Treasury compilation, the total expenditure on account of the Indian service from March 4, 1789, up to and including June 30, 1900, was \$368,358,217.17.

### TRANSPORTATION OF SUPPLIES.

For many years prior to the last fiscal year—in fact, since 1877—Indian goods and supplies were transported by contract under the act of March 3, 1877 (19 Stat., 291), which provided that thereafter contracts for transportation involving an expenditure of more than \$2,000 should be advertised and let to the lowest responsible bidder. The practice was, at the annual lettings which took place in the spring of each year, to invite bids for the transportation of Indian goods, from the places where they were bought and delivered, to their several points of destination, and to award contracts to the lowest bidders, as the law required. In every case the successful bidders were individuals who contracted under heavy bond to transport whatever goods might be turned over to them at a flat rate. In no instance did railroads or other common carriers compete for the business.

The transportation of Indian goods and supplies was the subject of much discussion, both oral and written, for years, and elaborate reports were made thereon from time to time. Many acquainted with the system in vogue thought it the best, while other well-informed persons thought the Government could do better by shipping in the ordinary commercial way than by contract as it had been doing. In order that the matter might be tested, if such course were deemed advisable, Congress was asked to give the Department the option of shipping under contract or in open market. That body responded by inserting the following clause in the deficiency act of July 7, 1898:

That from and after the passage of this act Indian goods and supplies shall be transported under contract as provided in the act of March 3, 1877, or in open market by common carriers, as the Secretary of the Interior in his discretion shall determine (30 Stats., 676).

At the annual letting of contracts in Chicago in April, 1899, bids for transportation were received as usual; but after consultation with the



Department it was finally concluded to take advantage of the discretion given by the act just quoted for the fiscal year 1900 at least. Consequently all bids for transportation were rejected and the authority of the Department requested to ship in open market by common carrier at tariff or better rates. This was readily granted and the office at once proceeded to carry out the new system. The machinery of the old system with comparatively few changes was applied to the new, and, notwithstanding the inexperience of the office, with comparatively little friction. The result of a year's experience of the new method is now before the office and may be said to be entirely satisfactory. Goods have been handled and transported at considerably less cost than before, and what is of much greater benefit to the Indians, time has been gained in the delivery of goods. Under the old system goods would not be delivered for six months after they were purchased, while under the present system no delay whatever has occurred.

The accounts for last year's transportation are nearly all in and paid and the office is in a position to make a fair comparison. The accounts so far settled show that 13,973,645 pounds of freight were transported during the fiscal year ending June 30, 1900.

Under the old system, at the rates offered by bidders in April, 1899, it would have cost to transport this.....	\$182, 025. 39
Under the new system it has actually cost .....	135, 432. 91
Apparent saving .....	46, 592. 48

The old method had its advantages, one of which was the absolute responsibility of contractors. As they received goods so they had to deliver them. The Government was at no risk whatever for loss or shrinkage or breakage. All that had to be made good. Now, however, as the Government ships at owner's risk and does not insure, it runs the risk of losses. But one loss of any consequence happened last year. In November, 1899, the steamer *Conestoga*, of the Western States Line, sank at the mouth of the Chicago River laden with Indian goods valued at \$7,646.24. Many of the goods were saved and forwarded to destination, but the remainder, valued at \$3,937.37, were lost. Whether the loss will fall upon the carrier or the Government has not yet been determined. The matter is now before the proper officers of the Government for adjustment.

The new method has added somewhat to the clerical work of the warehouses, while the settlement of transportation accounts under the new system necessitates an increased clerical force at the seat of Government. Making allowance, however, for all of this, for hauling from railroad stations, for occasional storage charges, and other similar expenses, which were heretofore borne by the contractors, the fact still remains that a material saving has been effected. A conservative estimate is that this saving will amount to 20 per cent.

## OBSTACLES TO SELF-SUPPORT.

## THE RATION SYSTEM.

A matter that occupies the earnest attention of those who are engaged in Indian work and devoted to the cause of elevating the Indian race is the system that prevails and has prevailed for some time of issuing rations regularly to certain of the tribes.

The ration system is the corollary of the reservation system. To confine a people upon reservations where the natural conditions are such that agriculture is more or less a failure and all other means of making a livelihood limited and uncertain, it follows inevitably that they must be fed wholly or in part from outside sources or drop out of existence. This is the situation of some of the Indian tribes to-day. It was not always so. Originally and until a comparatively recent period the red man was self-supporting. Leading somewhat of a nomadic life, he roamed with unrestricted freedom over the country in pursuit of game, which was plentiful, or located upon those spots fitted by nature to make his primitive agriculture productive. All this is changed. The advent of the white man was the beginning of the end. From east to west, from one place to another, like poor Jo in Bleak House, the Indian has been "movin' on" until he can go no further. Surrounded by whites, located upon unproductive reservations often in a rigorous climate, he awaits the destiny which under existing conditions he is powerless to avert. Of the causes that led to this or of the wisdom or unwisdom of the policy pursued it is not necessary now to speak. The purpose of this is to discuss the present and not to criticise the past.

While much has been written about it, the extent of the ration system is probably not generally known. It may contribute to a better understanding of the subject to describe the situation just as it is.

According to the most reliable information the Indian population of the United States is about 267,900. Of this number, about 45,270 receive a daily ration. It is not meant by this that rations are given out daily, but that they are issued periodically, generally twice a month, the quantity issued being based upon a certain daily allowance for each individual. Issues are made to the heads of families, each member of the family being counted, even to the smallest infant, except the children in boarding schools. These are not included in the number receiving daily rations given above.

Except for the Sioux, who will be spoken of later, the kind and quantity of the subsistence issued is not fixed by treaty or agreement with the tribes, but is regulated by the Department according to the means and necessities of each tribe. The principal articles issued are beans, beef (or its equivalent in bacon), flour, coffee, and sugar.

According to Department regulations, the following constitutes the ration of these articles:

To 100 rations:

150 pounds net beef (or bacon in lieu).

3 pounds beans.

4 pounds coffee.

50 pounds flour.

7 pounds sugar.

This, however, is the maximum allowance, which of late years has rarely or never been issued, the policy and practice of the office being to reduce rations as far as practicable.

As has been said, the ration issued varies according to the tribe, and its value varies correspondingly. The following will show the tribes that are receiving daily rations and the per capita cost of the ration allowed to each for the current year:

TABLE 2.—*Tribes other than Sioux receiving rations, and cost of the ration.*

Agency.	Tribes.	Number requiring rations.	Cost per capita.
Blackfeet, Mont .....	Blackfeet, Blood, and Piegan .....	1,850	\$33.00
Crow, Mont .....	Crow .....	1,850	29.00
Fort Belknap, Mont .....	Grosventre and Assiniboin .....	1,027	42.00
Fort Peck, Mont .....	Yanktonai Sioux and Assiniboin .....	1,654	23.00
Tongue River, Mont .....	Northern Cheyenne .....	1,354	47.00
Shoshoni, Wyo .....	Shoshoni and Northern Arapaho .....	1,400	30.00
Southern Ute, Colo .....	Ute .....	972	13.00
Ouray, Utah .....	do .....	700	17.00
Uinta, etc., Utah .....	do .....	770	12.00
Fort Hall, Idaho .....	Shoshoni and Bannock .....	1,288	13.00
Lemhi, Idaho .....	Shoshoni, Bannock, and Sheepeater .....	365	17.00
Fort Berthold, N. Dak .....	Arikara, Grosventre, and Mandan .....	1,018	17.00
Yankton, S. Dak .....	Sioux .....	1,540	13.00
Cheyenne and Arapaho, Okla .....	Cheyenne and Arapaho .....	2,500	16.00
Kiowa, Okla .....	Apache, Kiowa, Comanche, Wichita, etc .....	3,296	9.00
Jicarilla, N. Mex .....	Jicarilla Apache .....	843	23.00
San Carlos, Ariz .....	Apache .....	2,627	24.00
Fort Apache, Ariz .....	do .....	1,789	9.00
Colorado River, Ariz .....	Mohave, etc .....	550	6.00
Total .....	.....	27,393	.....

As the value of the full established ration at current prices is about \$51, it will readily be seen to what extent the issue of rations has been reduced.

Of the 45,270 receiving daily rations from the Government, 17,876, or nearly two-fifths, belong to the great Sioux Nation, known as the Sioux of different tribes, located in North and South Dakota. These Indians are not included in the foregoing list, as their case is different from the others in that the rations and the conditions under which they are to be given are specifically named in the agreement of 1876, ratified by the act of February 28, 1877. That agreement, in consideration of the cession of certain territory and rights, obligates the United States to provide the Indians with subsistence consisting of a ration for each individual of:

1½ pounds of beef (or ½ pound bacon in lieu thereof),

½ pound flour,

½ pound corn; and

For every 100 rations—

4 pounds coffee,  
8 pounds sugar,  
3 pounds beans,

or in lieu of said articles the equivalent thereof; such rations, or so much thereof as may be necessary, to be continued "until the Indians are able to support themselves."

The value of the full Sioux ration varies somewhat according to the location of the agency to which the Indians belong, but at the average prices paid it is about \$50 per capita per annum. The full ration, however, is not now issued, nor has it been for the last few years, it having been gradually reduced in accordance with the policy of the Office.

The following will show the bands of the Sioux Nation that are receiving daily rations, and the per capita cost of the ration allowed for the present year:

TABLE 3.—*Sioux receiving rations, and cost of the ration.*

Agency.	Band.	Number requiring rations.	Cost per capita.
Standing Rock, N. Dak.....	Yanktonai, Hunkpapa, Blackfeet.....	3, 215	\$34.00
Crow Creek, S. Dak.....	Lower Yanktonai.....	867	35.00
Cheyenne River, S. Dak.....	Blackfeet, Sans Arcs, Miniconjou, and Two Kettle.....	2, 440	36.00
Lower Brulé, S. Dak.....	Lower Brulé.....	374	33.00
Pine Ridge, S. Dak.....	Oglala.....	6, 318	33.00
Rosebud, S. Dak.....	Brulé, Loafer, Two Kettle, and Wajiaziah.....	4, 662	36.00
Total.....	.....	17, 876	.....

The average cost per capita for the whole nation is about \$35.

It may give a better idea, perhaps, of what these Indians get to take the two principal items of beef and flour and show what is allowed each individual. With the sum named enough has been provided of these two articles to give over 1 pound of net beef and over 5½ ounces of flour to every man, woman, and child on the reservations (outside of school children) every day in the year. Besides this they get the additional articles named. Improvidence may make the Indians go hungry, but with the rations issued they are certainly in no danger of starvation. Although the Sioux agreement says that rations are to continue only until they are able to support themselves, the Indians protest against any reduction and claim the full ration as a right. If this is conceded, the time when they will be self-supporting lies in the very distant future, if it comes at all, for as long as they are supported by others there is no necessity for supporting themselves, and consequently they make little or no effort.

In addition to those receiving a daily ration, a number of Indians are assisted by occasional issues, and at several agencies the old and indigent are provided for. These, however, are comparatively few in number, aggregating about 12,570. Altogether there are about 57,570

Indians receiving subsistence in some degree or other from the Government out of the total population of 267,900. This, as has been said, is exclusive of children in boarding schools, who are wholly cared for and liberally provided for there.

The total cost of the subsistence purchased for issue to Indians for the current fiscal year is about \$1,231,000.

The evils likely to arise from the gratuitous issue of rations were early anticipated by the Government and steps taken looking to their prevention. In 1875, for the purpose of inducing Indians to labor and become self-supporting, Congress passed a law requiring all able-bodied male Indians between the ages of 18 and 45, in return for supplies and annuities issued them, to perform services upon the reservation for the benefit of themselves or the tribe to an amount equal in value to the supplies to be delivered, and that such allowances should be distributed to them upon condition of the performance of such labor. The Secretary of the Interior, however, was authorized to exempt any particular tribe from its operations where he deemed it proper and expedient.

In accordance with the letter and spirit of that law, the Regulations of the Indian Office make it the duty of an agent to distribute supplies and annuities according to labor. These regulations go further than this, and in order to enable agents not only to encourage, but also to enforce, regular labor among Indians, require that sugar, coffee, and tea, except in cases of old age or infirmity, shall be issued to Indians only in payment for labor performed by them for themselves or for the tribe. The regulations also make it the duty of agents to see that each able-bodied male Indian is given an opportunity to labor, and when this is done to judge whether or not the Indian is entitled to a daily ration, determining the matter rather from the spirit and disposition to work manifested than from the value of the work performed. Though agents are required to and do certify upon the issue vouchers that labor has been performed upon the reservations by the Indians to whom the supplies have been issued, it may be doubted if either the letter or spirit of the law and regulations are complied with on some of the reservations.

There has been a decided improvement in the method of issuing rations in late years. The old-fashioned way was for the Indians to assemble at a central supply station on ration day. At a given time the cattle, wild by nature, frightened and desperate by their surroundings, were turned loose to be chased by the Indians, yelling and whooping, and shot down upon the prairie in imitation of the savage method of buffalo hunting of the early days. When the animal was killed a motley assembly of Indians, ponies, and dogs of all sizes and ages gathered around where it lay. The bucks and squaws gorged themselves upon the raw entrails and smoking blood, the hide was taken to the

traders, and the squaws divided up the carcass and took it away. To satisfy a morbid curiosity people used to travel sometimes a long distance to visit the agencies on ration day to witness these savage sights. Another evil connected with the old system which hindered the progress of the Indians was the time necessarily consumed by them in going to and from the central issue station. In many instances the distance they had to travel was so great that they were almost continuously on the road. All of that has been done away. Issue stations have been established at convenient places. Beef, with other supplies, is issued to them in a civilized way, and the necessity for so much travel no longer exists.

Notwithstanding all this, it is the consensus of opinion of those who from observation and experience are qualified to speak intelligently on the subject, that the gratuitous issue of rations, except to the old and helpless, is detrimental to the Indian. It encourages idleness and destroys labor; it promotes beggary and suppresses independence; it perpetuates pauperism and stifles industry; it is an effectual barrier to the progress of the Indian toward civilization.

Yet, objectionable as it is, the system must continue as long as the present reservation system continues. Until the Indians are placed in a position where the way is open before them to support themselves they must be assisted. A civilized nation will not permit them to starve. As a method of aiding the deserving while they are learning the art of self-support the ration system is commendable. That is its aim and object. The great evil lies in the gratuitous distribution to all alike. With the necessities of life assured without effort, the incentive to labor disappears and indolence with its baleful influence reigns supreme.

It is difficult to point out a complete remedy for the evils described, but as a beginning the indiscriminate issue of rations should stop at once, a somewhat difficult thing to accomplish as long as tribes are herded on reservations having everything in common. The old and helpless should be provided for, but with respect to the able-bodied the policy of reducing rations and issuing them only for labor should be strictly enforced, while those who have been educated in Indian schools should be made to depend entirely upon their own resources.

#### ANNUITY PAYMENTS.

In intimate connection with the ration system with respect to its effect upon the Indians is the payment to them annually of various sums in cash. During the fiscal year ended June 30, 1900, \$1,507,542.68 were sent out to the officers of the Department for distribution among the various Indian tribes. Several of the payments were very large, others were very small, the per capita ranging from \$255 down to 50 cents. The money distributed was that appropriated in pursuance of treaty stipulations, or derived from interest on trust funds in the

Treasury belonging to the tribes, or was the income from grazing. As the law or treaties provide that these treaty and trust funds shall be paid per capita in cash, the office had no other alternative. The following will show the remittances during the last fiscal year for distribution:

TABLE 4.—Annuity payments made to Indians.

Tribes.	Agency.	Number annuitants.	Amount.
Apache, Kiowa, and Comanche	Kiowa	2,808	\$232,040.00
Cheyenne and Arapaho	Cheyenne and Arapaho	3,047	50,000.00
Cœur d'Alène	Colville	521	10,500.00
Crow	Crow	1,941	34,149.90
Chippewa	La Pointe	1,932	82,553.22
	Leech Lake	3,324	
	White Earth	4,700	
	Potawatomi	92	
Chippewa and Christian	Quapaw	93	2,128.02
Eastern Shawnee		260	500.00
Kickapoo (Oklahoma)		266	1,672.18
Kickapoo (Kansas)	Potawatomi	256	34,713.23
Iowa (Kansas)	do	212	7,377.50
Iowa (Oklahoma)	Sauk and Fox (Oklahoma)	88	7,074.66
Mission	Mission	86	2,350.00
Oneida	Green Bay	1,999	1,000.00
Omaha	Omaha and Winnebago	1,204	36,090.00
Osage	Osage	1,789	450,000.00
Kaw	do	217	28,558.00
Oto and Missouri	Ponca, etc.	372	25,096.50
Ponca	do	566	6,000.00
Ponca	Santee	231	1,658.50
Potawatomi	Potawatomi, etc.	578	19,560.39
Stockbridge and Munsee	Green Bay	528	1,599.71
Seneca	New York	2,278	11,902.50
Seneca (Tonawanda Band)	do	497	4,847.50
Sioux	Cheyenne River	2,552	11,757.19
	Crow Creek	1,047	5,230.05
	Lower Brulé	472	5,001.65
	Pine Ridge	6,566	36,840.41
	Rosebud	5,029	37,104.34
	Santee and Flandreau	1,285	4,006.00
	Standing Rock	3,588	18,082.46
	Medawakanton	918	4,700.00
Sauk and Fox (Missouri)	Potawatomi	78	7,870.00
Seneca	Quapaw	337	5,208.98
Seneca and Shawnee	do		757.02
Sauk and Fox (Oklahoma)	Sauk and Fox (Oklahoma)	522	38,996.94
Sauk and Fox (Iowa)	Sauk and Fox (Iowa)	390	17,382.36
Siletz	Siletz	483	6,262.97
Sisseton and Wahpeton	Sisseton	1,884	58,050.00
Sioux (Yankton Tribe)	Yankton	1,701	24,000.00
Utes	Southern Ute	998	19,866.00
	Uintah and Ouray	1,702	34,534.00
Winnebago (Nebraska)	Omaha and Winnebago	1,163	23,439.00
Winnebago (Wisconsin)		1,418	26,943.25
Wichita	Kiowa	925	20,460.00
Pawnee	Ponca, etc.	650	49,000.00
Tonkawa	do	59	1,182.25
Total			1,507,542.68

That much, if any, good is derived from these annual payments is doubtful. Many of them are too small to accomplish either good or harm, while others are so large as to be useful for good or powerful for evil. The latter it is to be regretted is the general result. Not having to earn the money distributed, the Indians do not appreciate its value. It either goes to the traders on account of debts contracted in anticipation of the payment or is squandered, often for purposes far remote from civilizing. The larger payments especially are demoralizing in the extreme. They degrade the Indians and corrupt the *whites*; they induce pauperism and scandal and crime; they nullify all the good effects of years of labor.

Even without any payment the every existence of the money is a constant menace to the welfare of the Indian. The knowledge that he has money coming to him some time leads unscrupulous people to induce him to go into debt; and then, when the debt has accumulated and the Indian's credit is gone, pressure is brought to bear by the creditors upon the Government to pay the Indian so that he can pay his honest (?) debts. If this is done, the same routine is repeated to go on until the money is exhausted. The state of affairs growing out of this around some of the agencies is a scandal and a disgrace.

There is now in the Treasury to the credit of Indian tribes \$33,317,-955.09, drawing interest at the rate of 4 and 5 per cent, the annual interest amounting to \$1,646,485.96. Besides this several of the tribes have large incomes from leasing and other sources. It is a safe prediction that so long as these funds exist they will be the prey of designing people.

The ultimate disposition of the Indian trust funds is a subject for the most serious consideration. In some cases they are small and in others very large. With respect to the former they can, as a rule, be paid out to the Indians with little, if any, evil consequences. With respect to the latter their proper disposition is more difficult. It is admitted that great wealth is a source of weakness to any Indian tribe and productive of much evil. How to apply it so as to avoid evil consequences and produce only beneficial results is a problem which, though having occupied the earnest attention of the best and wisest friends of the Indians, seems so far not to have been satisfactorily solved.

It has been suggested that the best means of remedying the evils described are—

1. To provide for the gradual extinction of these funds. This is to be done by setting aside a sufficient sum to maintain the reservation schools as they now exist for a definite period of years—say twenty-one—and then dividing the balance per capita and paying to each member of the tribe between certain ages and to each one who shall thereafter arrive at the proper age his or her share thereof, proper provision to be made for the disposition of the shares of the old and incompetent and excepted ages.

2. As a corollary to this, to divide the land belonging to the tribe per capita.

The remedy proposed is a heroic one and is not new. If applied, the immediate result would almost invariably be to relegate the Indians affected, or many of them, to a state of poverty. The remote result might be, and this is the argument used in its favor, that finding their substance gone and themselves in actual want they would realize that they must work or starve, and so from necessity, if not from choice, put forth some effort in their own behalf. The result would be that in



time they would become industrious, prosperous members of the community. In the minds of many this is the true solution of this vexed question. Be that as it may, the sooner steps are taken to break up their interests in common and place them upon an individual basis the sooner will they come to a realizing sense of their own responsibility and prepare to find their proper place in the body politic.

#### LEASING OF ALLOTMENTS.

In discussing the ration system in these pages the idea is advanced, or rather the old idea is repeated, that benefits should be bestowed on Indians only in return for labor. At the same time it is admitted that it is difficult, if not impossible, fully to carry out this idea so long as they are herded on reservations and have everything in common. In treating of annuity payments a step further is taken, and it is suggested that this community of interest should be broken up and the Indians brought to understand that upon their individual effort depends their future rise and progress.

It now remains to discuss how this may be brought about. It is more difficult to create than to destroy, and it is easier to point out an evil than to afford a remedy; but it is believed that in the allotment system wisely adapted lies the true solution of the Indian problem. The idea of breaking up tribal relations and making Indians independent was early entertained, and some of the older treaties contain provisions for putting the Indian on land of his own. But like many another thing in Indian treaties it was not always carried out, and it was not until after 1887 that there was any systematic attempt to allot lands. In February of that year the act for the allotment of Indian land was passed. That act has been discussed so much that it is unnecessary for present purposes to quote it here. It is sufficient to say that it provides for the allotment of lands in severalty to Indians on the various reservations. Since then the work of allotting has gone on steadily until now a large number of the tribes are allotted—on paper at least. The operations under this act will be found reported from year to year in these Annual Reports, and the details for the current year are referred to hereafter on page 53.

The true idea of allotment is to have the Indian select, or to select for him, what may be called his homestead, land upon which by ordinary industry he can make a living either by tilling the soil or in pastoral pursuits. The essentials for success are water and fuel, but above all the former, for fuel can if necessary be procured and brought from a distance. To put him upon an allotment without water and tell him to make his living is mere mockery. His allotment having been selected he should be required to occupy it and work it himself. In this he must have aid and instruction. If he has no capital to begin on, *it must be given him*; a house must be built, a supply of water must be

assured and the necessities of life furnished, at least until he can get a start and his labor become productive. The better to assist them the allottees should be divided into small communities, each to be put in charge of persons who by precept and example would teach them how to work and how to live.

This is the theory. The practice is very different. The Indian is allotted and then allowed to turn over his land to the whites and go on his aimless way. This pernicious practice is the direct growth of vicious legislation. The first law on the subject was passed in 1891, when Congress enacted that whenever it should appear that by reason of age or other disability any allottee could not personally and with benefit to himself occupy or improve his allotment or any part thereof, it might be leased under such regulations as the Secretary of the Interior should prescribe for a period not exceeding three years for farming or grazing, or ten years for mining purposes. In 1894 the word "inability" was inserted, and the law made to read, "by reason of age, disability, or inability." The period of the lease was also fixed at five years for farming or grazing and ten years for mining or business purposes. This remained unchanged until 1897, when "inability" was dropped out, age or disability alone made a sufficient reason for leasing, and the periods changed to three and five years, respectively. This law was operative until the current year, when it was again changed, "inability" restored, and leases limited to five years, for farming purposes only.

It is conceded that where an Indian allottee is incapacitated by physical disability or decrepitude of age from occupying and working his allotment, it is proper to permit him to lease it, and it was to meet such cases as this that the law referred to was made. Had leases been confined to such cases there would be little if any room for criticism. But "inability" has opened the door for leasing in general, until on some of the reservations leasing is the rule and not the exception, while on others the practice is growing. Detailed information as to existing leases on the various reservations is given on page 75.

To the thoughtful mind it is apparent that the effect of the general leasing of allotments is bad. Like the gratuitous issue of rations and the periodical distribution of money it fosters indolence with its train of attendant vices. By taking away the incentive to labor it defeats the very object for which the allotment system was devised, which was, by giving the Indian something tangible that he could call his own, to incite him to personal effort in his own behalf.

## EDUCATION.

Indian education is accomplished through the means of nonreservation boarding schools, reservation boarding schools, and reservation and independent day schools, all under complete Government control,

State and Territorial public schools, contract day and boarding schools, and mission day and boarding schools.

#### INDUSTRIAL TRAINING.

The Indian school system aims to provide a training which will prepare the Indian boy or girl for the everyday life of the average American citizen. It does not contemplate, as some have supposed on a superficial examination, an elaborate preparation for a collegiate course through an extended high-school curriculum.

The course of instruction in these schools is limited to that usually taught in the common schools of the country. Shoe and harness making, tailoring, blacksmithing, masonry work, plastering, brick making and laying, etc., are taught at the larger nonreservation schools, not, it is true, with the elaborateness of special training as at the great polytechnic institutions of the country, but on a scale suited to the ability and future environment of the Indian. There are special cases, however, where Indian boys are, and have been, trained so thoroughly that their work compares favorably with that of the white mechanic. Specialized training, however, is not always desirable, for the reason that opportunities for following such vocations profitably on Indian reservations are not of the best; yet, on the other hand, the time frequently comes when the use of tools learned in school enables the returned pupil to shoe his own horse as well as the village smith, or repair a broken wagon as well as the agency mechanic.

That Indian boys are capable of becoming excellent mechanics and workmen is an indisputable fact. For illustration, in the harness shop of Hampton the pupils have completed an order for upward of \$2,000 worth of fine harness for John Wanamaker, of New York and Philadelphia, and have shipped \$500 worth to Washington. Fifty trucks have been furnished a Richmond house, and fifty more to the Seaboard Air Line Railway Company. Carlisle has for years supplied the Indian service a most superior farm wagon, while Haskell vies with the products of this school in excellence of workmanship. The school at Salem has turned out finished harness which competes successfully at the same price with regular custom work. The products of the shops at Phoenix, Haskell, Chilocco, and other schools display a character of workmanship and artistic skill which disposes of the theory that the Indian is not a mechanic and not a finished workman. He can, and will, after a proper course of instruction, and with equal opportunities, hold his own with the average workman in the useful trades. This is the objective point of his industrial training in the schools established for his benefit.

It is not considered the province of the Government to provide either its wards or citizens with what is known as "higher education." That is the proper function of the individual himself. The Indian boy or

girl who receives a literary training in these schools has laid the groundwork for future education, and can fit himself or herself for the bar, the pulpit, or the magazine pages. Their future career should always be dependent upon their own exertions, and not at the expense of the General Government.

Phoenix, Haskell, Albuquerque, and other institutions, have well-organized schools of domestic science, where the girls are practically taught the art of preparing a wholesome meal, such as appears on the tables of persons of moderate means. They are not taught the "hotel" or "restaurant" style of cooking, with the consequent education and desire to look forward to salaries similar to chefs in such institutions; but by actually themselves preparing, under proper supervision, the meals adapted to the means of an average family of five to seven persons, these girls stand excellent chances of securing places in such families at living wages, and are not constantly looking forward to continued Government support by being placed in salaried positions at the Government schools and agencies.

Supt. S. M. McCowan, of the Phoenix school, Arizona, proposes to inaugurate another practical scheme of training Indian girls which will not only be profitable to them as a money-making profession, but will be of vast advantage in their own homes and to their own people. Many Indian girls are fitted by natural endowment for nurses, and the superintendent is of opinion that by the establishment of such a training school as will practically and theoretically prepare its graduates for nursing, a new avenue of hope and life will be opened up to the Indian woman. He pleads—

For the Indian maidens to this extent, that they be given the most thorough training in cooking, housekeeping, and nursing. These maidens will be mothers by and by. The great majority will live among their own people; and while every mother may be depended on to do the very best she knows for her children, nevertheless her value is proportioned according to her knowledge, not her desire. It is just as important to know how to relieve the ailing, to heal the wounded, to cure the sick, to ease the sufferer, to cook dainty and appetizing delicacies for the indifferent, to coax back from the shadow of death the weary and heavy laden, as to spout, like a perennial geyser, of woman's rights and Indian rights.

Indian schools are doing much in the way of training the girls for just such future duties, but often, with meager or inadequate equipment, they have not been able to attain the high ideal which should be set upon such training.

#### NONRESERVATION SCHOOLS.

These are as a rule the largest institutions devoted to Indian education. As indicated by their designation, they are situated off the reservations and usually near cities or populous districts, where the object lessons of white civilization are constantly presented to the pupils. They are recruited principally from the day and boarding schools on

the reservations. The majority are supported by special appropriations made by Congress, and are adapted to the teaching of trades, etc., in a more extended degree than are schools on the reservations. The largest of these schools is situated at Carlisle, Pa., where there are accommodations for 1,000 pupils; the next largest is at Phoenix, Ariz., with a capacity for 700; the third, at Lawrence, Kans., and known as Haskell Institute, accommodating 600 pupils. These three large schools are types of their class, and are not restricted in territory as to collection of pupils. Chemawa school, near Salem, Oreg., and Chilocco school, near Arkansas City, Okla., are types of the medium-sized schools, and each has a capacity of 400 pupils. The remainder of the schools are of less capacity and have not been developed so highly. There are altogether 25 of these schools, distributed as shown in the following table:

TABLE 5.—*Location, capacity, attendance, etc., of nonreservation schools during fiscal year ended June 30, 1900.*

Location of school.	Date of opening.	Number of employees. <sup>1</sup>	Capacity.	Enrollment.	Average attendance.
Carlisle, Pa. ....	Nov. 1, 1879	85	1,000	1,080	981
Chemawa, Oreg. (Salem) .....	Feb. 25, 1880	30	400	453	402
Chilocco, Okla. ....	Jan. 15, 1884	41	400	397	384
Genoa, Nebr. ....	Feb. 20, 1884	24	300	408	272
Albuquerque, N. Mex. ....	Aug. —, 1884	29	300	325	315
Lawrence, Kans. (Haskell Institute) .....	Sept. 1, 1884	54	600	700	562
Grand Junction, Colo. ....	—, 1886	19	170	183	184
Santa Fe, N. Mex. ....	Oct. —, 1890	27	300	380	298
Fort Mohave, Ariz. ....	do .....	17	150	165	156
Carson, Nev. ....	Dec. —, 1890	15	150	170	147
Pierre, S. Dak. ....	Feb. —, 1891	15	150	158	113
Phoenix, Ariz. ....	Sept. —, 1891	44	700	686	640
Fort Lewis, Colo. ....	Mar. —, 1892	28	300	412	307
Fort Shaw, Mont. ....	Dec. 27, 1892	81	250	294	264
Perris, Cal. ....	Jan. 9, 1893	17	150	205	202
Flandreau, S. Dak. ....	Mar. 7, 1893	29	300	279	184
Pipestone, Minn. ....	Feb. —, 1893	13	100	118	106
Mount Pleasant, Mich. ....	Jan. 3, 1898	23	300	230	165
Tomah, Wis. ....	Jan. 19, 1898	17	150	180	155
Wittenberg, Wis. <sup>2</sup> .....	Aug. 24, 1898	12	100	109	100
Greenville, Cal. <sup>3</sup> .....	Sept. 25, 1895	7	100	83	50
Morris, Minn. <sup>3</sup> .....	Apr. 8, 1897	14	150	156	129
Chamberlain, S. Dak. ....	Mar. —, 1898	11	100	104	92
Fort Bidwell, Cal. ....	Apr. 4, 1898	7	100	58	44
Rapid City, S. Dak. ....	Sept. 1, 1898	11	100	85	80
Total .....		620	6,770	7,430	6,241

<sup>1</sup> Excluding those receiving \$240 and less per annum.

<sup>2</sup> 1,500 with outing system.

<sup>3</sup> Previously a contract school.

Carrying out the statement made in the last annual report that "the present number of nonreservation schools is sufficient to meet all the requirements of the service," no more have been established or contemplated, but those already in existence have been either enlarged or improved and their facilities increased.

#### RESERVATION BOARDING SCHOOLS.

There are 81 boarding schools located on the different reservations, an increase of 11 over last year. At these institutions the same gen-

eral line of policy is pursued as at the nonreservation schools. Frequently located far from the centers of civilization, conditions are different, and their conduct must be varied to suit their own special environment. Many were formerly mission schools and army posts, unsuited to Indian school purposes, but by constant modification are being brought into general harmony with the system. Elaborate literary or industrial training is not attempted, but the work accomplished is far-reaching in its results. They stand as object lessons among the homes of the Indians and present them with ideals for emulation. The parent can visit the child, and while it is not always considered for the best interests of the child, it may visit its home and friends during vacation. Wherever possible the agency shops are coordinated with school training, and while learning to shoe a horse the education is turned to the practical benefit of the old Indian.

These schools do not exceed and only rarely come up to 200 capacity. In the small school more individuality of treatment can be given the child and its traits more closely studied than in large schools. For reservation schools it is believed the capacity should range from 100 to 150, and it is preferable to build other schools rather than to exceed these limits.

There were established during the year boarding schools on the Colville Reservation, Wash.; Fort Berthold Reservation, N. Dak., and Vermillion Lake Reservation, Minn. The following day schools were discontinued and converted into small boarding schools: Blue Canon, Hopi (Moqui) Reservation, Ariz., and Little Water, on the Navaho Reservation, N. Mex.

The following table will give brief statistics concerning the Government reservation boarding schools:

TABLE 6.—*Location, date of opening, capacity, enrollment, and average attendance of Government reservation boarding schools during fiscal year ended June 30, 1900.*

Location.	Date of opening.	Capacity.	Enrollment.	Average attendance.
<b>Arizona:</b>				
Colorado River .....	Mar. —, 1879	100	103	93
Keams Canyon .....	— —, 1887	100	131	124
Blue Canyon .....	July 1, 1899	40	47	39
Navaho .....	Dec. 25, 1881	175	182	150
Little Water .....	July 1, 1899	40	48	39
Pima .....	Sept. —, 1881	200	194	184
San Carlos .....	Oct. —, 1880	100	107	103
Fort Apache .....	Feb. —, 1894	80	83	81
<b>California:</b>				
Fort Yuma .....	Apr. —, 1884	150	145	135
Hoopa Valley .....	Jan. 21, 1893	200	206	141
Round Valley .....	Aug. 15, 1881	70	99	81
<b>Idaho:</b>				
Fort Hall .....	— —, 1874	150	171	134
Fort Lapwai .....	Sept. —, 1886	175	107	69
Lemhi .....	Sept. —, 1885	40	33	32
<b>Indian Territory:</b>				
Quapaw .....	Sept. —, 1872	90	114	88
Seneca, Shawnee, and Wyandot .....	June —, 1872	140	147	118
<b>Iowa:</b>				
Sac and Fox .....	Oct. —, 1898	80	49	33

<sup>1</sup> Previously a day school.

TABLE 6.—Location, date of opening, capacity, enrollment, etc.—Continued.

Location.	Date of opening.	Capacity.	Enrollment.	Average attendance.
<b>Kansas:</b>				
Kickapoo .....	Oct. —, 1871	60	70	52
Potawatomi .....	—, 1873	80	94	80
Great Nemaha .....	—, 1871	40	41	33
<b>Minnesota:</b>				
Leech Lake .....	Nov. —, 1867	50	60	44
Pine Point .....	Mar. —, 1892	75	91	71
Red Lake .....	Nov. —, 1877	50	58	52
White Earth .....	—, 1871	150	161	93
Wild Rice River .....	Mar. —, 1892	75	113	100
<b>Montana:</b>				
Blackfoot .....	Jan. —, 1883	150	116	86
Crow .....	Oct. —, 1884	150	167	98
Fort Belknap .....	Aug. —, 1881	100	106	100
Fort Peck .....	Aug. —, 1881	200	244	181
<b>Nebraska:</b>				
Omaha .....	—, 1881	80	91	74
Santee .....	Apr. —, 1874	100	114	103
<b>Nevada:</b>				
Nevada .....	Nov. —, 1882	120	70	61
Western Shoshoni .....	Feb. 11, 1893	50	51	50
<b>New Mexico:</b>				
Mescalero .....	Apr. —, 1884	100	130	118
Zuñi-Pueblo .....	Nov. —, 1896	60	72	49
<b>North Carolina:</b>				
Eastern Cherokee .....	Jan. 1, 1893	160	158	142
<b>North Dakota:</b>				
Fort Totten .....	—, 1874	350	303	250
Standing Rock (Agency) .....	May —, 1877	150	166	152
Standing Rock (Agricultural) .....	—, 1878	100	132	122
Standing Rock (Grand River) .....	Nov. 20, 1893	100	121	106
Fort Berthold .....	Apr. 2, 1900	75	85	79
<b>Oklahoma:</b>				
Absentee Shawnee .....	May —, 1872	75	111	85
Arapaho .....	Dec. —, 1872	150	124	109
Cheyenne .....	—, 1879	150	142	132
Cantonment .....	May 4, 1899	100	103	82
Fort Sill .....	Aug. —, 1891	150	157	148
Kaw .....	Dec. —, 1869	60	60	54
Osage .....	Feb. —, 1874	175	180	149
Oto .....	Oct. —, 1875	75	82	80
Pawnee .....	—, 1865	125	134	125
Ponca .....	Jan. —, 1883	125	109	96
Rainy Mountain .....	Sept. —, 1893	150	98	87
Red Moon .....	Feb. —, 1898	75	52	47
Riverside (Wichita) .....	Sept. —, 1871	175	161	143
Sauk and Fox .....	—, 1868	100	88	81
Seger .....	Jan. 11, 1893	125	122	109
<b>Oregon:</b>				
Grande Ronde .....	Apr. —, 1874	100	89	78
Klamath .....	Feb. —, 1874	125	135	108
Siletz .....	Oct. —, 1873	100	72	64
Umatilla .....	Jan. —, 1883	100	111	81
Warm Springs .....	Nov. —, 1897	150	127	97
Yalmax .....	Nov. —, 1882	125	107	91
<b>South Dakota:</b>				
Cheyenne River .....	Apr. 1, 1893	125	112	102
Crow Creek (Agency) .....	—, 1874	140	135	129
Crow Creek (Grace Mission) .....	Feb. 1, 1897	50	56	51
Hope (Springfield) .....	Aug. 1, 1895	60	45	37
Lower Brulé .....	Oct. —, 1881	150	111	107
Pine Ridge .....	Dec. —, 1883	200	217	206
Sisseton .....	—, 1873	130	117	102
Rosebud .....	Sept. —, 1897	200	209	190
Yankton .....	Feb. —, 1882	150	136	108
<b>Utah:</b>				
Ouray .....	Apr. —, 1893	80	59	44
Uinta (Uintah) .....	Jan. —, 1881	100	71	56
<b>Washington:</b>				
Colville .....	July 1, 1899	200	84	74
Puyallup .....	Oct. —, 1873	225	268	204
Yakima .....	—, 1860	125	131	113
<b>Wisconsin:</b>				
Lac du Flambeau .....	July 10, 1895	150	172	152
Vermillion Lake .....	Oct. —, 1899	125	59	36
Green Bay Agency (Menominee) .....	—, 1876	150	179	125
Onondaga .....	Mar. 27, 1893	150	150	123
<b>Wyoming:</b>				
Shoshone .....	Apr. —, 1879	150	151	120
<b>Total .....</b>		<b>9,715</b>	<b>9,604</b>	<b>8,004</b>

<sup>1</sup> Building burned December 3, 1896; reopened July 1, 1899.<sup>2</sup> Building burned March 30, 1896; reopened April 2, 1900.

## GOVERNMENT DAY SCHOOLS.

These are small schools with capacity for 30 or 40 pupils each. As a rule they are located at remote points on the reservations, and are conducted by a teacher and a housekeeper. A small garden, some stock, and tools are furnished, and the rudiments of industrial education are given the boys; and the girls are taught the use of the needle in mending and sewing, and of the washtub in cleanliness. The preparation of a small noonday lunch at the majority of the schools also gives the children an insight into the cooking and serving of a simple meal. They enjoy this lunch, as many are not blessed with an abundance at their homes, to which they return in the afternoon. The conductors of these day schools are usually a man and his wife, who are urged to be practical missionaries of the gospel of cleanliness and work to the parents as well as to the children.

There were 147 day schools in operation during the year, an increase of 5 over last year. Of these schools there are 7 which are independent of an agent or bonded officer, and are conducted in rented buildings or those furnished by the Indians or their friends. Located in isolated communities remote from a United States Indian agent or other bonded officer, they are furnished with teachers, books, stationery, etc., direct from this office, to which reports are regularly made.

New day schools were established, as follows: Flathead Reservation, Mont.; Salt River and Gila Crossing, on Pima Reservation, Ariz.; Pescada, Santa Ana, and Tesuque, Pueblos, N. Mex.; Bull Creek and White River, Rosebud Reservation, S. Dak.; No. 32, Pine Ridge Reservation, S. Dak. Four schools were discontinued, as follows: Spokane, Colville Reservation, Wash.; Kiowa, Kiowa Reservation, Okla.; Little Water, Navaho Reservation, N. Mex., and Blue Canyon, Hopi (Moquis) Reservation, Ariz., the last two having been converted into boarding schools.

The following table gives the location, capacity, enrollment, and average attendance of the day schools:

TABLE 7.—*Location, capacity, enrollment, and average attendance of Government day schools during fiscal year ended June 30, 1900.*

Location.	Capacity.	Enrollment.	Average attendance.
<b>Arizona:</b>			
Walapai (Hualapai)—			
Kingman.....	50	19	45
Hackberry.....	60	67	59
Supai.....	60	70	65
<b>Pima Reservation—</b>			
Gila Crossing.....	30	56	22
Salt River.....	30	56	36
<b>Hopi Reservation (Moqui)—</b>			
Oraibi.....	40	42	30
Polacco.....	40	38	30
Second Mesa.....	40	110	79
<b>California:</b>			
Baird.....	20	20	9
Big Pine.....	30	38	21
Bishop.....	40	66	42



TABLE 7.—*Location, capacity, enrollment, and average attendance of Government day schools June 30, 1900—Continued.*

Location.	Capacity.	Enrollment.	Average attendance.
<b>California—Continued.</b>			
Fallriver Mills.....	40	28	14
Hat Creek.....	30	19	10
Independence.....	30	23	14
Manchester.....	40	20	11
Mission Agency (11 schools).....	319	277	197
Potter Valley.....	50	34	29
Ukiah.....	30	26	16
Upper Lake.....	30	27	16
<b>Michigan:</b>			
Baraga.....	40	44	25
Bay Mills.....	50	46	21
<b>Minnesota:</b>			
Birch Cooley.....	36	28	16
<b>Montana:</b>			
Flathead Agency.....	30	24	9
Tongue River.....	40	39	29
<b>Nebraska:</b>			
Santee—			
Ponca.....	34	25	16
<b>Nevada:</b>			
Walker River.....	36	39	31
<b>New Mexico:</b>			
Pueblo—			
Acoma.....	50	58	17
Cochiti.....	30	40	15
Isleta.....	50	67	34
Jemez.....	40	61	34
Laguna.....	40	41	23
Nambe.....	30	24	45
Paguate (Pahuate).....	30	40	19
Paraje.....	20	35	25
Pescado.....	24	20	7
Picuris.....	15	24	16
Santa Ana.....	18	30	18
Santa Clara.....	30	38	21
San Felipe.....	30	58	30
San Ildefonso.....	40	41	26
San Juan.....	50	32	23
Santo Domingo.....	30	41	21
Sia (Zia).....	35	43	33
Taos.....	40	85	37
Tesuque.....	20	17	16
<b>North Dakota:</b>			
Devils Lake, Turtle Mountain (3 schools).....	140	185	80
Standing Rock (4 schools).....	135	163	134
Fort Berthold (3 schools).....	120	146	111
<b>Oklahoma:</b>			
Whirlwind.....	20	25	21
<b>South Dakota:</b>			
Cheyenne River (3 schools).....	72	68	53
Pine Ridge (32 schools).....	1,120	887	749
Rosebud (21 schools).....	578	597	528
<b>Utah:</b>			
Shivwits (Shebit).....	30	45	22
<b>Washington:</b>			
Colville—			
Nespelem.....	40	42	23
<b>Tulalip—</b>			
Lummi.....	40	47	22
Swinomish.....	40	52	38
Tulalip.....	30	30	19
<b>Neah Bay—</b>			
Neah Bay.....	56	62	37
Quilleute (Quillehute).....	60	51	31
<b>Puyallup—</b>			
Chehalis.....	40	19	12
Jamestown.....	30	28	21
Port Gamble.....	25	18	11
Quinalt.....	40	20	15
Skokomish.....	40	31	11
<b>Wisconsin:</b>			
Green Bay, Stockbridge.....	50	54	24
Oneida (3 schools).....	76	79	38
LaPointe (9 schools).....	415	335	208
Total.....	5,094	5,090	3,522

Total number of schools, 147.

## PUBLIC SCHOOL CONTRACTS.

Contracts for the education of Indian pupils in white public schools have been made for the past ten years, with the following result:

TABLE 8.—*Number of district public schools, showing number of pupils contracted for, enrollment, and average attendance from 1891 to 1900.*

Year.	Number of schools.	Contract number of pupils.	Enrollment.	Average attendance.	Ratio of average attendance to enrollment.
					<i>Per cent.</i>
1891.....	8	91	7	4	57½
1892.....	14	212	190	106	56—
1893.....	16	268	212	123	58+
1894.....	27	259	204	101	50—
1895.....	36	487	319	192	60+
1896.....	45	558	413	294	71+
1897.....	88	384	315	195	62—
1898.....	31	340	314	177	57—
1899.....	36	359	326	167	51+
1900.....	22	175	246	118	48

This table demonstrates that, notwithstanding the incentive of \$10 per capita offered by the Government for such average attendance as may be maintained under the contract, but indifferent results are obtained. Public schools are valuable for Indian pupils only when they are located in sections favorable to the coeducation of the races.

The following table shows the location of public schools with which contracts are made, and statistical information in regard thereto:

TABLE NO. 9.—*Public schools at which Indian pupils were placed under contract with the Indian Bureau during the fiscal year ended June 30, 1900.*

State.	School district.	County.	Contract number of pupils.	Number of months in session.	Enrollment.	Average attendance.
California.....	Anahuac.....	San Diego.....	9	9	8	5—
Idaho.....	No. 1.....	Bannock.....	9	9	8	6+
Michigan.....	No. 1.....	Isabella.....	4	9	4	2—
	No. 6.....	Leelanau.....	5	9	41	10
Nebraska.....	No. 1.....	Thurston.....	15	10	5	4—
	No. 6.....	do.....	7	6	4	3+
	No. 14.....	do.....	10	6	4	3—
	No. 16.....	do.....	8	10	12	2—
	No. 17.....	do.....	16	10	29	10—
	No. 18.....	do.....	9	8	20	10—
	No. 36.....	Knox.....	15	10	15	9+
	No. 1.....	Sheridan.....	15	10	24	13+
Nevada.....	No. 6.....	Elko.....	2	10	2	2—
Oklahoma.....	No. 304.....	Pottawatomie.....	5	5	5	5
	No. 82.....	do.....	7	9	7	3—
	No. 82.....	Blaine.....	4	5	4	2—
	No. 60.....	Cleveland.....	5	6	5	4+
	No. 65.....	Canadian.....	2	6	2	2—
Oregon.....	No. 60.....	Coos.....	5	6	7	5
Washington.....	No. 36.....	King.....	4	10	4	2+
	No. 87.....	do.....	9	9	13	4—
Wisconsin.....	No. 1 Odanah.....	Ashland.....	10	10	23	12—
Total.....			175		246	118

## ATTENDANCE.

The following table will exhibit the enrollment and average attendance at all the schools for the fiscal year 1900 aggregated and compared with the previous fiscal year:

TABLE No. 10.—*Enrollment and average attendance of Indian schools 1899 and 1900, showing increase in 1900; also number of schools in 1900.*

Kind of school.	Enrollment.			Average attendance.			Number of schools. 1900.
	1899.	1900.	Increase.	1899.	1900.	Increase.	
Government schools:							
Nonreservation boarding	6,880	7,430	550	6,004	6,241	237	5
Reservation boarding	8,881	9,604	723	7,433	8,094	661	81
Day	4,951	5,090	139	3,281	3,525	244	147
Total	20,712	22,124	1,412	16,718	17,860	1,142	238
Contract schools:							
Boarding	2,468	2,376	192	2,159	2,098	161	28
Day	42	30	12	29	24	15	1
Boarding specially appropriated for	393	400	7	335	329	16	1
Total	2,903	2,806	97	2,523	2,451	172	30
Public	326	246	80	167	118	149	( <sup>1</sup> )
Mission boarding <sup>2</sup>	1,079	1,062	17	960	946	114	17
Mission day	182	213	31	154	193	39	5
Aggregate	25,202	26,451	1,249	20,522	21,568	1,046	207

<sup>1</sup> Decrease.

<sup>2</sup> Twenty-two public schools in which pupils are taught not enumerated here.

<sup>3</sup> These schools are conducted by religious societies, some of which receive from the Government for the Indian children the rations and clothing to which the children are entitled as reservation Indians.

Statistics of the schools for the New York Indians are not included in the above table for the reason that as they are cared for by the State of New York this office has no jurisdiction over them. Under the Curtis act the Department has been given oversight in a qualified degree of schools in Indian Territory, and statistics relating to them will be found hereafter under the appropriate caption of matters relating to that Territory. The above table collates the returns from all other schools which report to this office.

There were conducted by the Government during the year 253 schools, an increase of 10 over the preceding year. The total increase in enrollment was 1,412 and in average attendance 1,142, a gratifying and satisfactory growth. The largest increase was in the reservation schools, which indicates the zeal and interest of the superintendents and agents to see that as many children as possible are in the schools. Smallpox, either at the school or in the surrounding territory, caused a noticeable diminution in attendance at Fort Lapwai, Colville, Crow, Sauk and Fox (Oklahoma), and Sauk and Fox (Iowa), while measles, grippe, diphtheria, etc., at several others were responsible for a falling off in enrollment.

The Indian population of the United States under the control of the Indian Office (excluding the Five Civilized Tribes) was 187,312 in 1899,

which would give a scholastic population of between 45,000 and 47,000. Deduct 30 per cent for the sick and otherwise disabled, and those in white schools or away from the direct control of the office, and it would leave about 34,000 children for whom educational facilities should be provided. There are now 26,000 of them in school, leaving about 8,000 unprovided for.

The following table gives a summary of schools and attendance from 1877 to date:

TABLE No. 11.—*Number of Indian schools and average attendance from 1877 to 1900.*<sup>1</sup>

Year.	Boarding schools.		Day schools. <sup>2</sup>		Totals.	
	Number.	Average attendance.	Number.	Average attendance.	Number.	Average attendance.
1877.....	48		102		150	3,598
1878.....	49		119		168	4,142
1879.....	52		107		159	4,448
1880.....	60		109		169	4,651
1881.....	68		106		174	4,976
1882.....	71	3,077	76	1,637	147	4,714
1883.....	80	3,793	88	1,893	168	5,686
1884.....	87	4,723	98	2,237	185	6,960
1885.....	114	6,201	86	1,942	200	8,143
1886.....	115	7,260	99	2,370	214	9,630
1887.....	117	8,020	110	2,500	227	10,520
1888.....	126	8,705	107	2,715	233	11,420
1889.....	136	9,146	103	2,406	239	11,552
1890.....	140	9,865	106	2,367	246	12,232
1891.....	146	11,425	110	2,163	256	13,688
1892.....	149	12,422	126	2,745	275	15,167
1893.....	156	13,635	119	2,668	275	16,303
1894.....	157	14,457	115	2,639	272	17,220
1895.....	157	15,061	125	3,127	282	18,188
1896.....	156	15,683	140	3,579	296	19,262
1897.....	145	15,026	143	3,650	288	18,676
1898.....	148	16,112	149	3,536	297	19,648
1899.....	149	16,891	147	3,631	296	20,522
1900.....	153	17,708	154	3,860	307	21,568

<sup>1</sup> Some of the figures in this table as printed prior to 1896 were taken from reports of the Superintendent of Indian Schools. As revised, they are all taken from the reports of the Commissioner of Indian Affairs. Prior to 1882 the figures include the New York schools.

<sup>2</sup> Indian children attending public schools are included in the average attendance, but the schools are not included in the number of schools.

An inspection of the above table shows that there has been a steady increase of an average of 1,000 pupils each year. This is a healthy growth, and enables the office to prepare properly for the increase, to which end new schools are being built at places where required, and old ones repaired and enlarged to meet the new demands. This slow but sure growth should be annually met with increased facilities. There are places where the establishment of schools at present would be unproductive of good results under existing conditions, but in time these conditions will be changed, and then it will be proper to organize schools which will be effective.

#### CONTRACT SCHOOLS.

The following section of the act making appropriations for the Indian service for the fiscal year ending June 30, 1900, provided—

That the Secretary of the Interior may make contracts with contract schools, apportioning as near as may be the amount so contracted for among schools of vari-

ous denominations, for the education of Indian pupils during the fiscal year nineteen hundred, but shall only make such contracts at places where nonsectarian schools can not be provided for such Indian children, and to an amount not exceeding fifteen per centum of the amount so used for the fiscal year eighteen hundred and ninety-five, the same to be divided proportionately among the said several contract schools, this being the final appropriation for sectarian schools—

Under this section contracts were made with the several contract schools in accordance with the following schedule:

TABLE NO. 12.—*Schools conducted under contract, with number of pupils contracted for, rate per capita, and total amount of contract for fiscal years ending June 30, 1895, and June 30, 1900.*

Name and location of school.	1895.			1900.		
	Number allowed.	Rate.	Amount.	Number allowed.	Rate.	Amount.
Banning, California	100	\$125	\$12,500	26	\$108	\$2,808
Baraga, Michigan	45	108	4,860	10	108	1,080
Blackfeet, Montana	100	125	12,500	17	108	1,836
Bayfield, Wisconsin	30	125	3,750	10	108	1,080
Bernalillo, New Mexico	60	125	7,500	17	108	1,836
Colville, Washington	65	108	7,020	17	108	1,836
Coeur d'Alene, Idaho	70	108	7,560	20	108	2,160
Crow, Montana	85	108	9,180	17	108	1,836
Devils Lake, North Dakota	130	108	14,040	35	108	3,780
Flathead, Montana	300	150	45,000	80	108	8,640
Fort Belknap, Montana	125	108	14,580	24	108	2,592
Harbor Springs, Michigan	95	108	10,260	17	108	1,836
Odanah, Wisconsin, boarding	50	108	5,400	17	108	1,836
Pine Ridge, South Dakota	140	108	15,120	40	108	4,320
Rosebud, South Dakota	95	108	10,260	30	108	3,240
San Diego, California	95	125	11,875	25	108	2,700
Shoshoni, Wyoming	65	108	7,020	17	108	1,836
Tongue River, Montana	40	108	4,320	13	108	1,404
Tulalip, Washington	100	108	10,800	24	108	2,592
White Earth, Minn., St. Benedict's	90	108	9,720	24	108	2,592
White Earth, Minn., Red Lake	40	108	4,320	13	108	1,404
Pinole, California	20	30	600	6	30	180
Hopland, California, day	20	30	600	7	30	210
St. Turibius, California	30	108	3,240	5	108	540
Green Bay, Wisconsin	130	108	14,040	21	108	2,268
Kate Drexel, Oregon	60	100	6,000	12	100	1,200
Shoshoni Mission, Wyoming	20	108	2,160	20	108	2,160
Schools dropped from the contract list since 1895			155,840			
Total	2,435		410,065	2,564		59,892
Hampton Institute, Virginia <sup>1</sup>	120	167	20,040	150	167	20,040
Lincoln Institution, Philadelphia, Pa. <sup>1</sup>	200	167	33,400	200	167	33,400
Grand total	2,755		463,505	884		113,332

<sup>1</sup> Specially appropriated for by Congress.

<sup>2</sup> Not including the two schools of Osage and one school at Sac and Fox Agency, Okla.

For the reasons set forth in the Annual Report of this office for 1897, contracts, payable out of the Osage trust funds, were made with St. Louis boarding school for 75 pupils, at \$125 per capita, amounting to \$9,375, and with St. John's boarding school for 65 pupils, at \$125 per capita, amounting to \$8,125, a total of \$17,500 for these schools located on the Osage Reservation, Okla. A contract was also entered into with St. Mary's Academy for girls, on the Sauk and Fox Reservation, Okla., for 27 pupils, at \$125 per capita, amounting to \$3,375. This amount was payable out of the educational funds of the Potawatomi and, as was stated in the last annual report, exhausts that fund.

The amounts allowed for contract schools, aggregated and compared

with former years, and showing the names of the denominations and private parties, are exhibited in the following table:

TABLE 13.—Amounts set apart for education of Indians in schools under private control for the fiscal years 1886 to 1900, inclusive.

Year.	Roman Catholic.	Presbyterian.	Congregational.	Martinsburg, Pa.	Alaska training school.	Episcopal.	Friends.
1886.	\$118,343	\$32,996	\$16,121	\$5,400			\$1,960
1887.	194,685	37,910	26,696	10,410	\$4,175	\$1,890	27,845
1888.	221,169	36,500	26,080	7,500	4,175	3,690	14,460
1889.	347,672	41,825	29,310	( <sup>1</sup> )		18,700	28,388
1890.	356,967	47,650	28,459			24,876	28,383
1891.	363,349	44,850	27,271			29,910	24,743
1892.	394,756	44,310	29,146			23,220	24,743
1893.	375,845	30,090	25,736			4,860	10,020
1894.	389,745	36,340	10,825			7,020	10,020
1895.	359,215					7,020	10,020
1896.	308,471					2,160	
1897.	198,228						
1898.	156,754						
1899.	116,862						
1900.	57,642						
Total	3,959,643	352,470	219,644	23,310	8,350	123,346	170,577

  

Year.	Menno-nite.	Middle-ton, Cal.	Unita-rian.	Luther-an, Witten-burg, Wis.	Method-ist.	Miss Howard.	Lincoln Institution.
1886.							\$33,400
1887.	\$3,340	\$1,523	\$1,350				33,400
1888.	2,500	( <sup>1</sup> )	5,400	\$1,350			33,400
1889.	3,125		5,400	4,050	\$2,725	\$275	33,400
1890.	4,375		5,400	7,560	9,940	600	33,400
1891.	4,375		5,400	9,180	6,700	1,000	33,400
1892.	4,375		5,400	16,200	13,980	2,000	33,400
1893.	3,750		5,400	15,120		2,500	33,400
1894.	3,750		5,400	15,120		3,000	33,400
1895.	3,750		5,400	15,120		3,000	33,400
1896.	3,125				600	3,000	33,400
1897.						3,500	33,400
1898.							33,400
1899.							33,400
1900.							33,400
Total	36,465	1,523	44,550	83,700	33,945	18,875	501,000

  

Year.	Hampton Institute.	Mrs. L. H. Daggett.	W. N. I. A.	Point Iro-quois, Mich.	Plum Creek, Leslie, S. Dak.	John Roberts.	Total.
1886.	\$20,040						\$228,259
1887.	20,040						363,214
1888.	20,040						376,264
1889.	20,040						529,905
1890.	20,040						562,640
1891.	20,040						570,218
1892.	20,040						611,570
1893.	20,040	\$6,480					533,241
1894.	20,040		\$2,040	\$900			537,600
1895.	20,040		4,320	600	\$1,620		463,505
1896.	20,040						370,796
1897.	20,040			600		\$2,160	257,923
1898.	20,040			600		2,160	212,954
1899.	20,040					2,160	172,462
1900.	20,040					2,160	113,242
Total	300,600	6,480	6,360	2,700	1,620	8,640	5,903,798

<sup>1</sup> Dropped.

<sup>2</sup> This contract was made in 1892 with the Board of Home Missions of the Methodist Episcopal Church. As that organization did not wish to make any contracts for 1893, the contract was renewed with Mrs. Daggett.

The history of governmental aid to schools conducted by other parties goes back to the beginning of the present century. Under the provisions of the act of 1819 \$10,000 were appropriated for the purpose of

extending financial help to "such associations or individuals who are already engaged in educating the Indians" as may be approved by the War Department. In 1820 twenty-one schools conducted by different religious societies were given \$11,838, and from that date until the appropriation of \$100,000 in 1870 the principal educational work in relation to the Indians was under the auspices of these bodies, aided more or less by the Government. The contract system was a natural sequence of the efforts to systematize this work and harmonize it under existing laws and regulations.

The growth of the system has been gradual since its inception and reached the maximum amount during the fiscal year ended June 30, 1892, when the contracts amounted to \$611,570, more than one-fourth of the amount appropriated for regular Government schools. Since that time nearly all religious bodies have discontinued the acceptance of governmental aid. These discontinuances were either voluntary or by action of the Indian department under various Congressional requirements. About this time the agitation of the contract or sectarian school question was begun, and deferring to the sentiment that religious bodies should discontinue the use of Government funds in their educational work among the Indians, steps were taken for a gradual reduction in the amounts to be allowed. There were doubtless equities involved in the matter, and it was thought that as much hardship as possible should be avoided in the final abandonment of this plan.

In 1889 there were set aside for contract schools \$529,905; 1890, \$562,640; 1891, \$570,218; 1892, \$611,570; 1893, \$533,241, and \$537,600 in 1894. From this year there was a gradual decrease, the amount set aside for 1895 being \$463,505. These reductions were the result of various denominations giving up or reducing their contracts.

The policy of gradually substituting regular Government schools for those conducted under contract, was discussed by the Secretary of the Interior in his Annual Report for 1894, and a 20 per cent reduction in the amount allowed contract schools was suggested.

This policy of reduction was not adopted by Congress until the appropriation act for the fiscal year 1896 provided that contracts should be made only with present contract schools and to an amount not exceeding 80 per cent of the amount so used in 1895. The amount for 1895 was \$285,715, exclusive of eleven schools amounting to \$177,790, which, being appropriated for specifically, were not affected by the reduction. Therefore a reduction of 20 per cent on the amount allowed in 1895 gave for 1896 the sum of \$228,306, plus \$142,490, for nine schools especially appropriated for. This year, Rensselaer and White's Manual Labor Institute did not desire contracts, and the Indian schools at Wittenberg, Wis., Ramona, N. Mex., Greenville, Cal., and Hope, Nebr., were either purchased or leased from the respective owners and conducted by the Government.

In 1897 the appropriation act declared it "to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian schools," but allowed contracts to be made with contract schools "to an amount not exceeding fifty per centum of the amount so used for the fiscal year 1895," which, not including Hampton and Lincoln (\$53,440), was \$410,065. This allowed a little over \$204,488 for general distribution. No special appropriations were made by Congress this year for any schools except the \$53,440 for Lincoln and Hampton Institutes.

In the appropriation act for fiscal year 1898 the same declaration was made, but still permitted the use of 40 per cent of the amount so used in 1895 for contracts with present contract schools. This reduction left \$159,514 for these schools. Miss Howard's school was purchased by the Government. The aid to the two schools, St. John's and St. Louis's, on the Osage Reservation, in Oklahoma, amounting to \$11,250, was omitted from the general school fund and charged specifically to the tribal funds, leaving \$398,815 as the amount for 1895, upon which calculations should be based.

Congress omitted the declaration concerning the "settled policy of the Government" in the appropriation act for fiscal year 1899, and directed that 30 per cent of the amount used in 1895 should be available for similar purposes, which gave for this year \$119,644 for general distribution.

For the fiscal year 1900 the appropriation was for 15 per cent of the amount used in 1895, amounting to \$59,822.

Hampton and Lincoln Institutes were specifically appropriated for during 1898, 1899, and 1900 to the amount of \$53,440 each year. Full data showing the basis used in making all reductions as required by law are exhibited in the annual reports for each year.

In the act making appropriations for the ensuing fiscal year 1901 no authority is given to make these contracts. Only one exception is made, and that is a specific appropriation "For support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia." This is a magnificently equipped industrial school, and for this and the additional reason that it is not considered a sectarian school, it is presumed that Congress continued its appropriation.

The above brief historical review of a system which has so long been on the statute books may prove not uninteresting to those who watch carefully every phase of the education of the Indian.

That these schools have rendered in the past excellent service to the cause of education among the several tribes is well known. The decision of the conductors of a great majority of these former contract schools to continue them in the future has been communicated to this office. None have signified any intention of retiring from the field. Their efforts in civilizing the Indians will meet with appreciative



assistance on the part of the Government, and their schools fostered as helpful adjuncts to a great work.

The following table shows the enrollment, average attendance, decrease and increase in the regular Government and contract schools for the period beginning with the reductions in the contract system to its final abandonment at the close of the past fiscal year:

TABLE NO. 14.—*Attendance at contract and Government schools compared.*

Year.	Contract schools.				Government schools.			
	Enroll-ment.	Average attend-ance.	Decrease.		Enroll-ment.	Average attend-ance.	Increase.	
			Enroll-ment.	Average attend-ance.			Enroll-ment.	Average attend-ance.
1893	6,125	4,904			14,715	11,223		
1894	6,026	5,163	99	(1) 259	15,237	11,831	522	696
1895	5,880	4,998	146	165	16,584	12,804	1,347	978
1896	4,439	3,797	1,441	1,201	17,789	14,365	1,205	1,661
1897	3,158	2,785	1,281	1,012	18,603	14,876	814	611
1898	2,999	2,639	159	146	19,899	16,165	1,296	1,229
1899	2,903	2,523	96	116	20,712	16,718	813	668
1900	2,806	2,451	97	72	22,124	17,860	1,412	1,147

NOTE.—(1) indicates increase; all others in this column are decreases.

## MISSION SCHOOLS.

Mission schools are a growing class of schools whose work is of great benefit not only to the children but to the adult Indians. They are operated and conducted by various religious bodies, both Protestant and Catholic, and also by philanthropic associations. Teachers, employees, food, clothing, and buildings are provided by the conductors of these schools. The Government only assuming supervisory care over them, they are visited by inspecting officials of this office and the Department for the purpose of observing the care and attention bestowed upon the pupils, their progress, health, and general condition. Agents and other Government officials are directed to "lend a helping hand," and assist the missionary efforts of the employees in securing a legitimate attendance. On those reservations where food and clothing are issued to the adult Indians, the agent furnishes such proportion of the rations and clothing to the school as he would give to the parents were the children at home. When no rations are issued, or the school is not on an Indian reservation, the entire expense of maintaining the school is borne by the association or church under whose control it is conducted.

Connected with many of these schools are small mission churches, which have a wide influence for good on the community. Children in the Government schools are advised and urged to attend the church of their choice.

There were enrolled in the mission boarding schools 1,062 pupils, with an average attendance of 946. The capacity of these schools is 1,320. Six mission day schools reported an enrollment of 213, average attendance 193, and capacity 275.

The following table shows the location, denomination, capacity, etc., of these schools:

TABLE 15.—*Location, capacity, enrollment, and average attendance of mission schools during fiscal year ended June 30, 1900.*

## BOARDING SCHOOLS.

Location of school.	Supported by—	Capacity.	Enrollment.	Average attendance.
<b>ARIZONA.</b>				
Tucson.....	Presbyterian Church.....	175	177	170
<b>NEBRASKA.</b>				
Santee Agency: Santee Normal (training).....	Congregational Church.....	125	105	86
<b>NORTH DAKOTA.</b>				
Fort Berthold Agency: Mission Home.....	Congregational Church.....	50	32	31
Standing Rock Agency: St. Elizabeth's <sup>1</sup> .....	Episcopal Church.....	60	77	49
<b>OKLAHOMA.</b>				
Cheyenne and Arapaho Agency: Cantonment <sup>1</sup> .....	Mennonite Church.....	60	61	54
Kiowa Agency: St. Patrick's <sup>1</sup> .....	Catholic Church.....	150	77	68
Mary Gregory Memorial <sup>1</sup> .....	Presbyterian Church.....	40	25	23
Cache Creek <sup>1</sup> .....	Reformed Presbyterian Church.....	50	50	47
Methvin <sup>1</sup> .....	South Methodist Church.....	120	76	66
<b>SOUTH DAKOTA.</b>				
Crow Creek Agency: Immaculate Conception.....	Catholic Church.....	60	59	57
Cheyenne River Agency: St. John's <sup>1</sup> .....	Episcopal Church.....	60	40	37
Plum Creek <sup>1</sup> .....	Society for Propagation of the Gospel.....	10	10	10
Oahe <sup>1</sup> .....	American Missionary Society.....	40	26	24
Rosebud Agency: St. Mary's <sup>1</sup> .....	American Missionary Society.....	50	54	52
Sisseton Agency: Good Will Mission <sup>1</sup> .....	Presbyterian Church.....	140	83	76
Yankton Agency: St. Paul's <sup>1</sup> .....	Episcopal Church.....	50	50	43
<b>WASHINGTON.</b>				
Puyallup Reservation: St. George's.....	Catholic Church.....	80	60	53
<b>Total</b> .....		<b>1,320</b>	<b>1,062</b>	<b>946</b>

## DAY SCHOOLS.

<b>ARIZONA.</b>				
Pima Agency: San Xavier.....	Catholic Church.....	130	115	104
<b>MONTANA.</b>				
Fort Peck Agency: Poplar Mission.....	Presbyterian Church.....	25	10	6
Wolf Point.....	do.....	30	25	19
<b>NEW MEXICO.</b>				
Pueblo and Jicarilla Agency: Seama.....	Presbyterian Church.....	40	35	30
<b>WASHINGTON.</b>				
Cœur d'Alene Reservation: Wellpinit.....	W. N. I. A.....	50	28	25
Santee Normal (training) <sup>2</sup> .....				9
<b>Total</b> .....		<b>275</b>	<b>213</b>	<b>193</b>

<sup>1</sup> These schools are conducted by religious societies which receive from the Government for the Indian children therein the rations and clothing to which the children are entitled as reservation Indians.

<sup>2</sup> Attend Santee Boarding School.

## SCHOOL EMPLOYEES.

Indian schools are the home for practically twelve months of the year for 22,124 children. For them must be provided school, home, hospital, shops, garden, farm, stock, etc.; and for watching over these interests, training the pupils, and caring for them in sickness and health there were employed during the year 2,175 persons, of which number 1,480 were white and 695 Indian. The annual salaries range from \$100 to \$2,000. They are divided as follows: Supervisors, 5 white; superintendents, 100 white; clerks, 35 white, 9 Indian; physicians, 21 white; disciplinarians, 7 white, 11 Indian; teachers, 418 white, 59 Indian; kindergartners, 53 white, 2 Indian; manual-training teachers, 6 white; matrons, 97 white, 4 Indian; assistant matrons and nurses, 92 white, 54 Indian; seamstresses, 94 white, 25 Indian; laundresses, 77 white, 34 Indian; industrial teachers, 64 white, 45 Indian; cooks and bakers, 120 white, 46 Indian; farmers, 39 white, 14 Indian; blacksmiths and carpenters, 49 white, 7 Indian; engineers, 34 white, 8 Indian; tailors, 15 white, 4 Indian; shoe and harness makers, 20 white, 8 Indian; miscellaneous employees, 134 white, 44 Indian; Indian assistants, 321. In addition to these there were employed several hundred pupils, at salaries ranging from \$1 to \$5 per month, as apprentices in various trades, etc.

## THE OUTING SYSTEM.

In the reports of this Department for a number of years past there has been mention of the "outing system" in vogue at a number of the schools. It is probable that the subject has not been emphasized to a degree commensurate with its importance in the scheme of Indian civilization. As one of the principal agents for the assimilation of the Indian into the mass of the American population it is of vast advantage and productive of the best results.

While an efficient factor of civilization, it is limited by conditions of location, and can not at every nonreservation school be completely successful. A civilized white community in the immediate vicinity in sympathy with the plan is a prerequisite. An agricultural, well-settled community surrounding the school presents ideal conditions when coupled with an interest upon the part of the people themselves.

The "outing system" is the placing of Indian pupils out among farmers and others during vacation and for a longer period, that they may earn money for themselves and learn practically, by immediate contact, those lessons in civilized life which can not be taught so perfectly in the school. A considerable number enjoy the privileges of public and other schools and are thrown into intimate relation with that sturdy yeomanry which is the strength and support of the Nation.

To Maj. R. H. Pratt, of Carlisle, is due the credit of organizing and perfecting this system. As he states—

When placed in charge of 74 Indian prisoners of war and sent to St. Augustine, Fla., in 1875, and by order of General Sherman given all authority in their management, I proceeded at once to prove by the fullest tests that wild Indians lacked only opportunity, and that having this they would quickly become civilized and useful. I soon dispensed with the military guard and trained them (the prisoners) to guard themselves, which they did for two and a half years with absolute trustworthiness. They were put to work. Not only were they taught and occupied within the walls of the fort, but a considerable number were placed out at various forms of labor, such as 2 in a sawmill, 1 as a baggageman on a railroad, a number as orange pickers, others at rowing and sailing boats for tourists, while 5 accomplished a job of grubbing 5 acres of dense palmetto land, which negro laborers, though well paid, had twice abandoned. At the end of three years all the younger men asked to remain east and go to school. Seventeen were received by Hampton, in Virginia, and I at once urged that they be sent out into good families to learn by experience and contact.

The Carlisle school was opened November 1, 1879, under the superintendence of Lieut. R. H. Pratt, U. S. A. The "outing system" was from the first the principal feature of the educational and civilizing methods of the school, and the annual reports of the institution from that date to the present give an accurate presentation of the results obtained.

The following table gives in tabulated form statistics relative to the system at Carlisle from 1880 to 1900:

TABLE NO. 16.—*Statistics of outing at Carlisle.*

Year.	Girls.	Boys.	Total outings.	Number out in winter.	Earnings.
1880.....	6	18	24		
1881.....	23	61	84		
1882.....	22	43	65		
1883.....	58	119	177		
1884.....	88	173	211	83	
1885.....	21	99	120	90	
1886.....	43	126	169	90	
1887.....	93	212	305	106	
1888.....	97	210	307	136	
1889.....	105	273	378	183	
1890.....	118	314	432	188	\$15,252.39
1891.....	158	296	454	218	16,202.08
1892.....	187	344	531	247	21,868.98
1893.....	180	303	483	189	24,121.19
1894.....	185	277	462	92	16,190.56
1895.....	225	332	557	134	18,229.60
1896.....	289	350	639	158	19,238.62
1897.....	300	337	637	210	20,448.39
1898.....	315	372	687	232	21,725.50
1899.....	348	369	717	266	25,752.76
1900.....	353	454	807	316	27,255.52

When a young lieutenant of the United States Army campaigning on the Western plains in the early days, Major Pratt was a careful observer of the manners, customs, and habits of the American Indian. He instituted mentally a comparison between the colored troopers of his command in their forced association with civilized people under

hard conditions and the Indians on their native heath. His conclusion was that great things could be accomplished for the savage red man in a more favorable atmosphere. This conclusion was afterwards developed in the "outing system" at Carlisle. This plan is only a superior way of carrying out the ideas of the early settlers at many points on our coast. They declared it to be their purpose to induce the Indians to give up their wandering life in the forest, acquire a knowledge of the English language, and adopt the white man's customs. The training of Indian youth in the households of Puritan families was one method suggested to change the life of these savages. In 1618 the Virginians, with similar intention, proposed "to bring the native children to the true religion, morality, virtue, and civility," and the first legislative assembly directed that every plantation holder should procure Indian youth by just means for this purpose. In 1621 it was reported by the Puritans at Plymouth that—

If we had means to apparel them and wholly retain them with us, they would doubtless in time prove serviceable to God and man. And if God sends us means, we will bring up hundreds of these children both to labor and learning.

Thus, as in a circle, has the Carlisle school come back to the point established by the fathers in a system of education for the descendants of those Indians who first met the European on this continent.

An important feature connected with this plan is the banking system. Each student has a bank account and the school keeps a careful record of every deposit and withdrawal. The habit of thrift and an idea of the value of money are thus practically inculcated. The boy or girl will also learn how to keep accounts, and learn the value of time and labor as well as money—something of which the Indian in his native state has very little conception. A dollar earned by his own exertions acquires an interest to the boy that a hundred given by the Government can never possess. The Indian does not naturally have forethought or thrift to provide for the rainy day. When the pupils return to the reservation or, as it is earnestly hoped they will, go among the white people, they carry with them tangible evidence of the value of work. As a rule this "saving" is appreciated, and not promptly thrown away, as is usually the case with the few dollars of annuity money given by the Government. The one elevates; the other degrades and demoralizes.

Wherever practicable the "outing system" is being inaugurated, and will prove elsewhere as well as at Carlisle that the best system of civilizing Indians is "mixing" them with the families of white citizens in their homes, in their shops, and in their fields.

#### COMPULSORY EDUCATION.

There has been an increase in the number of pupils at the various boarding schools during the past four years of over 4,000. The recruit-

ing of this large number under prevailing conditions has been worthy of commendation. That so much has been accomplished is due to the untiring zeal, sincerity, and tact of those engaged in the work. Few outside of those who have had experience in the collection of pupils upon Indian reservations can appreciate the difficulties which are presented.

Many and serious obstacles are met with, the principal of which is the ignorance of the average Indian mother and father.

The disposition and hereditary instincts of the old and conservative Indian can not be changed, but it is the duty of the Government to train the next generation of these people so that they may become stronger mentally, morally, and physically. Therefore, it is for this purpose that the young Indian child is taken from its home to the boarding school, where the moral influences of white civilization and culture may be thrown around it and love of the civilized home instilled in its heart, in the hope that it will bear fruit in future generations. This is the policy which induces the Government to take these children during the formative period of their lives, in order that a character may be molded which will make each boy and girl a home builder and a home maker upon those principles underlying our own civilization, prosperity, and happiness. It is a firmly fixed policy, which it is believed that succeeding generations must approve, and it is a condition which must be brought about regardless of the wishes of those parents who are unfortunately so blind as not to see the advantages accruing to their race.

Many old Indians look upon governmental school work as hostile to them and the taking away of their children as hostages; others view it as a special mark of favor that their little ones should be permitted to attend school, and they demand payment for the favor. These conflicting arguments must be combated and the opposition overcome.

Among numbers of tribes there are peculiar ideas of death, and if anyone dies in the tepee or wicki-up, the rude shelter is destroyed by fire, or else direful calamities are believed will be their portion. Therefore, if a child passes away at a school, that school receives a "bad" name among the tribes cherishing this strange belief. For this reason a rigid system of physical examination of each child before it is taken from the reservation is required to be made by the agency or other physician. But the fact is that, with all the precautions thrown around the collection of only healthy pupils, and with all the sanitary and hygienic arrangements and careful attention at the schools, death will occasionally invade them. This is of course taken advantage of by the ignorant parent, filled with superstition, and therefore the difficulty of obtaining his consent to the removal of the child is based

upon his superstitious dread of something which may happen at a school where other children have died.

Vicious white men around the reservation sometimes foster in the Indian a spirit of opposition to the education of his children. This conduct can be actuated only by self-interest in hopes that by keeping the benefits of education away from the Indian tribe, the opportunity of such persons will be greatly enhanced for making a living out of the ignorant. Such action has been particularly emphasized at several of the reservations, and in every instance stringent measures have been adopted to eliminate these malign influences so far as possible. The seed sown, however, by these people often produces evils hard to eradicate.

A presentation of these few obstacles to the successful enrolling of a larger attendance is evidence sufficient to justify stronger measures for overcoming the adverse influences to education. It will readily be seen that the gravest of the objections raised to sending their children to school is the result of ignorance, and to the intelligent man puerile in the extreme. Knowing that the main strength of the opposition lies in the ignorance of the Indian parent, Government officials engaged in the work are enjoined to have a sympathetic appreciation of the feelings of these benighted people, and to exercise tact and good nature in dealing with them so as to overcome the natural or acquired prejudice on their part.

While the designation of the particular school to which the child should go, can not for obvious reasons be delegated to the parents, ignorant of what is best, yet in all cases their wishes are given careful consideration, and if possible, carried out. The particular school attended is not of such importance as is the attendance itself on some school.

An examination of treaties made with the various tribes will disclose that in a number of the earlier ones compulsory education was provided for, and on those reservations where it exists improved conditions have resulted. It is not contended that all Indian tribes require compulsion on the part of the Government in order that their children shall attend school. Many tribes, and many individuals, recognize the great work of the Government and cooperate in the work.

The increasing number of returned pupils is operating as leaven to the whole mass. From the isolation of one or two in a tribe, they have grown in number until they are able to combat successfully hereditary prejudices. As a rule, these pupils are the unconscious, or conscious, agents who are spreading the desire "to know" among the younger generations. Superintendents report that there is a noticeable gain in responsiveness upon the part of pupils leaving school—a greater appreciation of the responsibilities which are being thrown upon their race. They find "more purpose in school life and have a keener sense of its relation to the future." The constant stream of "returned

pupils" who have come in contact with the higher civilization of the white people is establishing a valuable connection between the school and the Indian home. Their influence finds a reflex action upon their own people, rendering the collection of raw material easier than in the earlier days of the present policy; although under the present law requiring the consent of parents to send a child off to school, this action is too frequently nullified by an ancient squaw or ignorant chief.

The recommendations made in the two preceding annual reports of the Indian Department are repeated, and it is urged that some just and equitable amendment be made to existing laws which will take from ignorant parents the privilege of continuing their children in a state of savagery and will bring the children into contact with the highest types of civilization. While it is possible with the present system gradually to overcome much of the active opposition, yet the ignorance of parents delays the consummation of all our efforts looking to the discontinuance of the heavy expenditure for Indian support and education. The old Indian must die out. The buffalo, the chase, the warpath, the ghost dance, must be forgotten as actual occurrences before many of the backward tribes will voluntarily take advantage of the schools. A compulsory school law will hasten the final accomplishment of the Government plan of absorption of tribes and extinguishment of reservations. From a business as well as sentimental standpoint, every Indian child should be taught the ordinary branches and a trade, so that the earlier may he cease to be a pensioner on the bounty of his Government and be all the name of an American citizen implies.

Communities more civilized, more enlightened than the Indian have found it necessary at times to enforce attendance upon their schools. There are twenty-nine States and two Territories of this progressive nation which have compulsory school laws on their statute books. Nearly every foreign civilized country has similar laws. The penalties imposed on parents are fines or imprisonment, or both. Although to fine a father or imprison a mother for failure to keep a child in school a reasonable and proper time may appear harsh, yet such penalties are imposed by civilized laws and communities. It may, however, to the credit of parents, be said that statistics show that they are rarely imposed and more rarely executed. The fact of the law and the power to compel attendance usually operate so as to accomplish the desired ends.

It is respectfully recommended that Congress be requested to enact the following into law:

The Commissioner of Indian Affairs is hereby authorized and directed to place every Indian child of school age in some school, where there are suitable accommodations for such child, under such rules and regulations as he may prescribe for the enforcement of this law, subject to the approval of the Secretary of the Interior. As far as practicable favorable consideration shall be given to the wishes of an educated Indian parent in the selection of the school to which his child shall be sent.



The passage of this law would materially simplify the situation and not conflict with the natural desires of a parent who was sufficiently educated to understand the needs of the rising generation. On the other hand it will enable the Commissioner of Indian Affairs to extend the benefits of education to those Indian boys and girls whose parents are unwilling that they should depart from ancestral ways. The law would be broadly construed, taking into consideration the idiosyncracies of the particular tribe and the desires of the parents, but ever keeping in view the ultimate end of the policy—the civilization of the rising and future generations.

#### DESCRIPTION OF SCHOOL PLANTS.

The close relationship existing between a good edifice, adapted in all its parts and details to the purposes for which it is intended, and the success attending the labors of the employees within and without its walls, can not be over estimated. As well deny the mechanic the proper tools of his trade and demand perfection in the accomplished effect as to provide structures unsuited and inadequate for the divers purposes incident to the accommodation and instruction of the several communities of children under the care of this Bureau, and then demand successful and economical results from the administrative officers and employees.

Viewing the necessities of the service in the light of the foregoing, the various buildings of the school plants are substantially constructed of brick, stone, or wood, masonry being always preferable where available and funds will permit. Foundations are invariably of masonry, and the exterior walls of superstructures are furred or have a lining of hollow brick, providing an air space forming a nonconductor of heat or cold. In northern localities storm sashes are placed on all windows, adding materially to the comfort of the occupants in the rigorous winters there encountered and proving an element of economy in the consumption of fuel.

Dormitory buildings are of two descriptions—one embracing under the same roof sleeping accommodations for the two sexes, necessary attendants' rooms, recitation rooms, dining hall, kitchen, play and sitting rooms, baths, lavatories, and water-closets for the two sexes, together with laundry, bakery, necessary closets, pantries, clothes rooms, etc., in short, a complete plant with the exception of minor out-buildings. The other plan is designed for one sex only and is strictly a dormitory building, with necessary attendants' rooms, baths, lavatories, and water-closets, other requisite facilities being arranged in separate buildings. Baths, water-closets, and play rooms are usually located in the basement; lavatories convenient to dormitories, together with single emergency water-closets for night use only.

As a measure of safety, the modern dormitory buildings are limited

to two stories in height. As the sleeping apartments are principally situated on the second floor, suitable fire escapes are provided, and as an additional safeguard against fire a standpipe with hose connections on each floor is introduced.

Sanitary plumbing fixtures and principles are employed in the installation of all such adjuncts, equal to the best modern and most advanced systems in vogue. Hygienic principles are given careful consideration in the study of plans. Dormitory rooms are devised to insure between 400 and 500 cubic feet of air space for each child, which, together with a thorough system of ventilation permitting between two and three changes of air per hour, assures a healthful atmosphere for occupants.

As in the case of dormitory buildings, schoolhouses are devised in the light of the most advanced science in their construction. Recitation rooms are proportioned to seat not exceeding 50 pupils. The arrangement for light is such as to admit an abundance to every part of the room and prevent the inconvenience and danger of any excess glare or reflection or cross light. The ventilating system adopted insures at least three changes of air per hour.

The system of heating the various buildings is through the medium of steam or hot water, and either from a central station or by boilers placed in the individual buildings, the heat being distributed by "direct" radiators placed about the rooms and passages. The surplus air required for ventilating purposes is introduced by the "direct-indirect" system, being admitted through apertures in walls and conveyed through galvanized-iron ducts to radiators, where, being warmed, it is distributed to the rooms.

The inherent danger in the use of kerosene for illuminating purposes induced this Department several years ago to substitute the more modern and safer systems of lighting by electricity and gasoline gas, each of which systems has proved satisfactory and greatly advantageous to the health of the pupils and for the best interests of the service.

Attention is also paid to the ornamentation of the school grounds. Shade trees are required to be placed on the lawns and in the yards; playgrounds are provided, the design being to present a pleasing outlook to the eye and furnish an object lesson to the Indian pupil and his parents of the immense importance of adopting civilized means of living. The Indian is largely taught objectively, and when he sees the difference between the home of the white man and the tepee on the river bottom it raises in his heart a spirit of emulation, if not in the older at least in the younger who has received a taste of the benefit of these modern appliances.

The only criticism offered in opposition to the plan of making comfortable, modernized school plants arises from those people who conceive that the Indian is being educated in a way which lies beyond the

future sphere of his life, so that after being housed comfortably with modern improvements for a number of years of his life it will be a hardship when he returns to his home. The same argument is applicable to the construction of public school buildings in our cities which are attended by the children of the slums. While it is true that it may in some cases, and in many cases does, prove such a hardship, it does not militate against the theory that to teach the Indian to become an educated citizen you must give him proper ideas of the standards by which to shape his future life and conduct. No man ever bettered his condition in life who was not first dissatisfied with his lot. To raise the plane of an Indian, he must see that which he likes better and then be taught to emulate the example.

#### MISCELLANEOUS MATTERS.

Aside from the few points heretofore mentioned, the principal work of the year has been in enlarging the school plants already in existence. Great stress has been laid upon proper sewer and water facilities. Reports indicate that in the earlier selections of school sites little consideration was paid to these matters, and, in consequence, as the plants are increased, such matters are forcibly obtruded upon the attention of the Indian Office. Abundance of good water is essential, and to provide this and a sewerage system has been a difficult problem at many places.

The locations of many schools in the arid regions of the West have directed attention to irrigation systems for school gardens, orchards, and farms. These should be at every such school for instruction of pupils and healthfully varying their diet. Fresh vegetables and fruits are impossible at a number of schools without expensive irrigation ditches, but it is confidently believed that every expenditure along these lines has proved of inestimable benefit to the health of all living at the schools. The amount of funds available, however, for this purpose is limited and must be taken from the appropriations for individual schools or from the general appropriation for school-building purposes.

The value of school plants, farms, etc., will reach \$4,000,000. Many of these are old established ones or are abandoned military posts. They are unsuited in numberless respects for the purposes for which they are used. In early days the importance of good light, heat, ventilation, water, and sewerage was not appreciated, and therefore the mortality among Indian pupils in such structures was excessive. Rapidly, therefore, as funds are available, all such defects are being remedied by substitution of modern sanitary appliances. These appliances are expensive, but, when taken in consideration with the health and comfort of the children, no one should hesitate to approve their introduction.

The general repair and improvement of \$4,000,000 worth of school

plants is in itself no small item of yearly expenditure. The appropriation by Congress for "the construction, purchase, lease, and repair of school buildings and purchase of school sites" was, for the fiscal year 1900, \$300,000. This amount has practically all been used as contemplated by Congress. Other appropriations for specific schools and appropriations made under treaties have been used judiciously for the benefit of the schools intended.

Substantial improvements have been made in the shape of barn, and water and sewer systems at the Riverside, Rainy Mountain, and Fort Sill schools, and new school building at Riverside, on Kiowa Reservation, Okla.; hospital at Klamath, Oreg.; office at Lemhi, Idaho; employees' cottage at Mescalero, N. Mex.; temporary dormitory at Hopi (Moqui), Ariz.; improvement of water, sewer, and heating systems at Oneida, Wis.; commissary at Kaw, Okla.; water and sewer systems at Oto, and baths at Pawnee, Okla.; extensive repairs at Puyallup, Wash.; water and sewer systems at Quapaw, Ind. T.; barn at Round Valley, Cal.; warehouse, Absentee Shawnee, Okla.; dining room and kitchen at Siletz, Oreg.; electric light at Warm Springs, Oreg.; enlarging school building and water and sewer systems at Yakima, Wash.; laundry at Fort Shaw, Mont.; water, sewer, and electric-light systems at Mescalero, N. Mex.; sewer system at Colorado River, Ariz.; sewer system at Western Shoshoni; laundry, Greenville, Cal.; barn, and sewer and water systems at Fort Mohave, Ariz.; electric light, Flandreau, S. Dak.; warehouse, and water and sewer systems at Genoa, Nebr.; gas plant at Kickapoo, Kans.; steam-heating and electric-light plants at Salem, Oreg.

Under the provisions of the appropriation act for fiscal year 1900 the sale of the Clontarf School property in Minnesota was directed, and on February 12, 1900, it was sold for \$4,600 and the school was discontinued as a Government school.

Large new brick school and dormitory buildings have been constructed at Morris, Minn. Large brick and stone dormitory for increasing the capacity of the Navaho School, New Mexico, by 75 pupils, and dormitory at Little Water, on same reservation, increasing the capacity to 60 pupils, are now under contract.

The Pyramid Lake Boarding School at the Nevada Agency having burned during the preceding year, an entirely new and modern plant for 80 pupils has been constructed.

Additions to dormitories at Oneida, Wis., have increased the capacity of that school. An addition to dormitory, new laundry, and other improvements at the Pima Agency School, Arizona, have added to its efficiency. New school building at Fort Belknap Agency School, Montana, will be completed at an early date. New dormitory and mess hall will replace similar burned buildings at Fort Yuma, Ariz. Large dormitory at Carson, Nev., will be ready for occupancy during this school

year. The plant at Fort Lewis, Colo., will be materially improved by the brick dormitory, mess hall, and hospital now being constructed.

Supt. John H. Seger, of Seger Colony School, Oklahoma, has trained a number of his boys in brickmaking, bricklaying, and stone quarrying, cutting, and laying, and they are now engaged in putting in the foundations for a new brick school building at that point.

The cesspool method of disposing of sewage matter at the Grand Junction School, Colorado, having become a menace to the health of the pupils, has been corrected by the installation of a complete system of sewerage.

The amount appropriated by Congress for an addition to the school building at Haskell Institute, Kansas, not being sufficient to make one of adequate size, it was supplemented by an additional amount, and the addition is now under contract, which, when completed, will be of great benefit and relieve the crowded schoolrooms.

The Indian appropriation act for the fiscal year 1899 set aside \$35,000 for a new school at Red Lake, Minn., and also \$20,000 for another at Leech Lake in the same State. These buildings were placed under contract during the year and are now ready for occupancy. They are modern and commodious, and will undoubtedly be filled to the limit of their capacity.

Under the provisions of the appropriation act for 1900, \$20,000 were set aside for the erection of additional schools at points on the Chippewa Reservation in Minnesota, and in accordance with this item, three neat little boarding schools have been built at the following: (1) Cross Lake, at the "Narrows," on north shore of Red Lake; (2) Cass Lake, and (3) Bena. All these schools are now in operation. While they are not modern in their construction, they are considered as nuclei for larger schools whenever sufficient funds become available.

By the completion at the Tomah School, Wisconsin, of the following buildings now under contract, hospital, superintendent's quarters, dormitory, and mess hall, the capacity of that institution will be increased to 225 pupils.

In the appropriation act of 1899, \$25,000 were set aside for "a new stone building," at Pipestone, Minn.; but that amount, in the opinion of this Office, was thought to be sufficient for two buildings which were preferable, consequently the appropriation was not used, and in the act for 1900 the same sum was reappropriated for one or more buildings. Plans were prepared for a dormitory and mess hall, but owing to complications having arisen as to the title of the Pipestone Indian Reservation on which the school was located, the matter was held in abeyance until a favorable decision was rendered by the Comptroller. The buildings are now under contract. When completed they will increase the capacity of this school from 100 to 175 or 200 pupils.

Congress having provided \$60,000 for the erection of a school plant for the Walapai Indians, at Truxton Canyon, Ariz., the Massachusetts

Indian Association donated a tract of land for the site, which was supplemented by another from the Santa Fe Railway Company. A complete modern school, with sewer and water systems, is now under contract, and will probably be ready for occupancy by the first of next January.

A complete modern manual training building has been constructed at Phoenix, Ariz., out of a special appropriation therefor. This is the first building of this character erected for the Indian school service. The Phoenix school proposes to make this department one of its principal features.

The appropriation of \$60,000 for an Indian training school at Hayward, Wis., not being sufficient to give a plant of the size required by the scholastic population contributory thereto, Congress supplemented it with an additional sum of \$15,000. The buildings are now under contract, located on a site donated by the citizens of Hayward. They will be modern and complete in all their appurtenants, representing the highest type of plant devised for the special requirements of an Indian school.

The Jicarilla Apache Reservation, situated in the northwestern portion of the Territory of New Mexico, has never had school facilities for the 150 or 200 children of school age. Several years ago steps were taken to provide them, and upon the representations of several Government officials a tract of land was purchased from one Gabriel Lucero, but the funds for the erection of the school building not being available, nothing was done. Plans, however, were early in this year prepared for a boarding school with 150 capacity; but after sinking a well for domestic water purposes it was discovered by United States Indian Inspector Walter H. Graves that a more available site could be secured in the immediate neighborhood, where water could be obtained from a running stream. The site was accordingly so changed and the buildings are now in course of construction, about 2 miles northwest of Dulce, N. Mex. The Indians are anxious for the school and it will be readily filled to the limit of its capacity.

#### PROPOSED NEW BUILDINGS AND PLANTS.

Owing to unfavorable location of the site, it has been decided that the Indian school at Perris, Cal., can not be made the industrial school for Southern California, as was contemplated. Failure of water, unsuitableness of soil, and climatic conditions are such that while it is not the purpose of this office to discontinue the school, it is yet undesirable to ask Congress for large appropriations to transform it into a well-equipped training school. For the present it will be conducted as an Indian boarding school. The scholastic population of this portion of California is about 1,200, and it can readily be seen that here is a profitable field for the educational influence of a large training

school. Congress recognized these conditions and provided in the Indian appropriation act for the fiscal year 1901—

For the establishment, in the discretion of the Secretary of the Interior, of an Indian school at or near Riverside, California: *Provided*, That a suitable site can be obtained there for a reasonable sum, to be selected by the Commissioner of Indian Affairs with the approval of the Secretary of the Interior, for the purchase of land, the erection of buildings, and for other purposes necessary to establish a complete school plant upon the new site, seventy-five thousand dollars.

In pursuance of this, United States Supervisor of Schools Frank M. Conser was in June, 1900, ordered to make an investigation of all available sites, and in an elaborate report recommended an ideal one on Magnolia avenue, about  $5\frac{1}{2}$  miles from the center of the city of Riverside, and three-fourths of a mile from Arlington Station on Santa Fe railroad. Negotiations have satisfactorily progressed, and plans are now under consideration for the plant.

The present site of the Blackfeet Agency boarding school, Montana, is unsatisfactory from a sanitary standpoint, aside from the fact that the buildings are old, dilapidated, and unsuited for school purposes. A new location at Cut Bank Creek has been selected, sewer and water systems laid out, plans prepared, and work will begin during this fiscal year.

Contract has been let for rebuilding the Winnebago Indian school, Nebraska, which was destroyed by fire several years ago. It will not be ready for occupancy before September 1, 1901.

The Indians living about Pryor Creek, on the Crow Reservation, Mont., have often petitioned this office and inspecting officials for a school for their children. Plans have been prepared and a school will be given them during the coming year.

The unsettled condition of the Apache Indians under the Fort Apache Indian Agency in Arizona has deterred the office from making any extensive plans for improving the present miserable buildings. Recent reports justify the opinion that the time is ripe for pushing school matters on this reservation, and details for water, sewer, and irrigation systems in connection with new buildings are now under consideration for the Indian children of this agency.

The Flathead Reservation in Montana and the Southern Ute in Colorado are two of the three Indian reservations which have no Government boarding school. The former has been the subject of an investigation, and as soon as a suitable site is obtained steps will be taken to give the Indians of that reservation adequate school facilities. United States Supervisor of Schools Charles H. Dickson, after an investigation of the latter, has selected an excellent site for the Southern Ute boarding school. Plans have been prepared, and as soon as sewer and water systems can be arranged the matter of making a contract for carrying out the plans will be taken up and a school given these Indians during the next year.

A contract has been made for the erection of a new dormitory at the Mount Pleasant school, Michigan. This building will replace the one destroyed by fire June 14, 1899. It will restore the capacity of this school to 300 pupils.

Owing to the difficulty of securing a suitable site for the Hopi (Moqui) training school in Arizona, plans have not been perfected for making most desirable and necessary improvements in the school for these Indians. Continued efforts will be made, however, to solve the problem.

In an act of Congress approved June 6, 1900, an agreement with the Fort Hall Indians, Idaho, was ratified, and to carry out the same it provided in section 2 of the act that \$75,000 should be appropriated for the establishment of a modern school plant near the agency, and \$75,000 additional may be expended by the Secretary of the Interior for the educational needs of these Indians. Upon the request of this office, June 23, 1900, United States Indian Inspector Walter H. Graves was directed by the Department to make an investigation of all available school sites near the agency. He has filed his report recommending a site about five miles from the agency. It is on a bluff about 30 feet high overlooking a broad expanse of meadow land lying to the east of Snake River, known as "Fort Hall Bottoms." Within a few hundred feet is the famous "Big Spring," which discharges not less than a million gallons of water per hour. This seems to be an ideal location, and plans are now under consideration for the early establishment of a complete modern school plant. It can not be opened for a year, however.

A new dormitory and improved water and sewer systems have been prepared for the Umatilla boarding school in Oregon and are now under contract.

Under the Tongue River Agency for the Northern Cheyenne Reservation in Montana there is no Government boarding school, only a day school with a capacity for 40 pupils. Although the educational needs of this tribe of Indians have been urgent, in view of unsettled matters concerning the reservation, it was considered unadvisable to make any move with reference to a boarding school pending certain negotiations with settlers on the reservation. United States Indian Inspector James McLaughlin in his report submitted to Congress at its last session relative to buying out these settlers referred to the educational condition of the Northern Cheyennes, recommending that a school be built for them. On a second visit to this reservation he recommended the "Bushy Ranch" of 160 acres as a proper school site. This ranch is 18 miles southwest of the agency on Rosebud Creek and 32 miles from the Burlington and Missouri River Railroad. The ranch is well watered, has 100 acres under cultivation, wells for domestic water purposes, and is in every way suited for an Indian school. A plant with a capacity of 150 pupils will be erected here during this fiscal year.



## SCHOOL APPROPRIATIONS.

The following table shows the amounts appropriated for Indian school purposes through a series of years:

TABLE 17.—*Annual appropriations made by the Government from and including the fiscal year 1877 for the support of Indian schools.*

Year.	Appropriation.	Per cent increase.	Year.	Appropriation.	Per cent increase.
1877.....	\$20,000	.....	1890.....	\$1,364,568	1
1878.....	30,000	50	1891.....	1,842,770	35
1879.....	60,000	100	1892.....	2,291,650	24.3
1880.....	75,000	25	1893.....	2,315,612	1.04
1881.....	75,000	.....	1894.....	2,243,497	13.5
1882.....	135,000	80	1895.....	2,060,695	18.87
1883.....	487,200	260	1896.....	2,056,515	1.2
1884.....	675,200	38	1897.....	2,517,265	22.45
1885.....	992,800	47	1898.....	2,681,771	4.54
1886.....	1,100,065	10	1899.....	2,638,390	.0025
1887.....	1,211,415	10	1900.....	2,936,080	11.3
1888.....	1,179,916	12.6	1901.....	3,080,367	.049+
1889.....	1,348,015	14			

<sup>1</sup> Decrease.

The amount appropriated for the year may appear large, but it is insignificant compared with the value of the lands of these people which have been purchased or obtained from them by treaties. It is a small sum compared with the cost of the Indian wars of the United States and with what it would cost to hold them as semiprisoners upon reservations and feed them for an indefinite term of years. Humanity and economical considerations demand these appropriations, so that all the Indians may be educated to become self-supporting producers instead of idle consumers and mischief-makers.

That the amounts set aside have been judiciously expended is evident from the results obtained and the per capita cost of maintenance. The expenditures on behalf of Indian schools will exhibit a most favorable showing when compared with those of similar white institutions, such as industrial boarding and reform schools where the pupils and inmates are housed, fed, clothed, cared for in sickness and health and taught the elementary literary branches and a trade. The annual addition of 1,000 pupils requires a moderate increase each year in the total amounts appropriated for school purposes.

## INDIAN SCHOOL SERVICE INSTITUTES.

The association of Indian school employees at the annual institutes is beneficial. Schools as a rule are located far from the centers of civilization and thought, and therefore these gatherings are for the purpose of bringing together those engaged in a similar work in order that notes may be compared upon the best means of effecting the civilization of the Indian. Different localities represent different types of Indians and different theories of management. These meet-

ings open discussions of practical matters and furnish food for thought and action during the coming year.

Under the management of the superintendent of Indian schools the institute was held this year at Charleston, S. C., July 5 to 13, as a department of the National Educational Association holding its annual meeting there at the same time. The employees were thus given an ample opportunity to participate in this great gathering of educators from all sections of the country and to hear the best exponents of pedagogy. Papers were prepared and read by the teachers and others upon their various branches of the work and informal discussions held.

A collection of literary and industrial work was made from a number of Indian schools and exhibited at the institute. This exhibit served to show the marvelous improvement that has been accomplished in the education of Indian youth. The display consisted of regular school-room papers, fancy work, plain sewing, mending, and work in wood and iron. All of this was excellently done and the large display of practical work attracted the greatest attention and interest. Neatly made gingham dresses, woolen garments, bonnets, aprons, girls' and boys' uniforms, showed the deft fingers of the girls, while the great variety of articles in wood, iron, tin, and leather was a credit to the boys. The collections of hammers, anvils, horseshoes, model gates, wrenches, saws, bureaus, harness, and shoes illustrated the diversified industrial training at the several schools. It was altogether a splendid exhibit of the talent and capacity of Indian pupils.

There were also three other interesting gatherings of Indian educators, as follows: Chemawa, Oreg., August 14 to 17; Puyallup, Wash., August 20 to 23, and Pine Ridge in July. These summer schools were devoted to the interchange of ideas and suggestions for the betterment of the service.

A report of these institutes will be found on page — of this report.

#### INDIAN SCHOOL SITES.

Publication of the history of Indian industrial school sites, and of the title to the land upon which Indian schools are located, was commenced in the annual report for 1892, and has been continued in subsequent reports, including this one, as follows:

*Arizona*.—Fort Mohave, 1892, page 879; Keam's Canyon, 1892, page 879; Phoenix, 1892, page 879; Blue Canyon, 1897, page 421; Truxton Canyon (formerly Hackberry) or Hualapai, 1900, page —.

*California*.—Perris, 1892, page 880; Greenville, 1897, page 421, and 1900 page —.

*Colorado*.—Fort Lewis, 1892, page 880, and 1896, page 496; Grand Junction, 1893, page 469, and 1900, page —.

*Idaho*.—Fort Hall, 1892, page 880.

*Iowa*.—Tama, 1897, page 422.

*Kansas*.—Lawrence, 1892, page 881.

*Michigan*.—Mount Pleasant, 1892, page 882, and 1897, page 423.

*Minnesota*.—Pipestone, 1892, page 882, and 1898, page 25; Morris, 1897, page 423; Clontarf, 1897, page 424; Wild Rice River, 1898, page 24.

*Montana*.—Fort Shaw, 1893, page 471.

*Nebraska*.—Genoa, 1892, page 883.

*Nevada*.—Carson, 1892, page 883, and 1897, page 425.

*New Mexico*.—Albuquerque, 1892, page 885; Santa Fe, 1892, page 886; Jicarilla, 1896, page 496.

*North Carolina*.—Cherokee, 1897, page 426.

*North Dakota*.—Fort Stevenson, 1892, page 887; Fort Totten, 1892, page 888.

*Oklahoma*.—Arapaho, 1892, page 889; Cheyenne, 1892, page 889; Seger Colony, 1892, page 890; Chilocco, 1892, page 890; Rainy Mountain, 1892, page 891; Fort Sill, 1893, page 473; Pawnee, 1893, page 473; Riverside, 1896, page 497; Kiowa or Washita, 1897, page 428; Red Moon, 1897, page 428.

*Oregon*.—Salem (formerly Forest Grove), 1892, page 891, and 1900, page —; Umatilla, 1893, page 473.

*Pennsylvania*.—Carlisle, 1892, page 894.

*South Dakota*.—Flandreau, 1892, page 895, and 1898, page 25; Pierre, 1892, page 896; Chamberlain, 1897, page 429; Rapid City, 1898, page 26; Hope, 1900, page —.

*Wisconsin*.—Tomah, 1892, page 897; Stockbridge, 1896, page 497; Hayward, 1900, page —.

#### INDIAN SCHOOL EXHIBIT AT THE PARIS EXPOSITION.

A small exhibit was sent by this office last winter to the exposition at Paris, to form part of the educational exhibit of the United States.

The assigned space was three cases. One case was filled with photographs of various Indian schools showing buildings and grounds and pupils engaged in crafts taught in the schools. With these were arranged class-room papers showing the intellectual progress and ability of Indian youth from the kindergarten to the normal and business classes; also their skill in drawing and designing. The other two cases contained articles from the school workshops, sloyd, tinware, harness and shoes, horseshoes and blacksmith tools, specimens of painting and printing and of carpentry with working drawings, and a model steam engine; also school uniforms for boys and girls and fine plain needlework, embroidery and lace. On shelves below were volumes of class-room papers sufficient to furnish to any interested student of such matters a fair idea of the course and methods of study pursued in our Indian schools and the proficiency and average work of entire classes. Above the cases, to give decorative color effect and an Indian individuality to the whole exhibit, were Indian blankets, matting, baskets, plaques, and a small bark canoe. These were grouped around a fine, large crayon head of an Indian in full native regalia, the work of the young Winnebago artist, Angel Decora.

A leaflet was prepared for general distribution at the exposition and was printed at the Carlisle school. It gives a brief résumé, with statistics, of the policy, the personnel, the finances, and the educational system of the Indian service, especially the latter.

Jurors have stated that the exhibit received much attention and favorable comment, and that it was specially timely because the whole matter of race education is now uppermost among the French, and they appreciated the combination of theoretical and practical training which was exemplified. The exhibit received a Grand Prix.

No attempt was made to present any Indian school individually, but those schools whose work was represented there were Carlisle, Genoa, Haskell, Oneida, Phoenix, Pine Ridge, and Seger Colony.

### POPULATION.

As pertinent to the matter of Indian civilization, the question of whether the Indian tribes are dying out becomes of considerable importance. The generally accepted theory, popularly held, is that by contact with the white man, taking on a portion of his civilization and a greater portion of his vices, the extinction of the Indian is only a matter of time; that given conditions of existence wholly different from those to which his ancestors were accustomed, the Indian question would be solved by his extinction. Had the United States Government adopted the same policy with reference to these people as that of other nations dealing with savage tribes the probabilities are that the aboriginal races would no longer exist within the bounds of the United States. It is true that upon the statute books and in modern discussions of these races the names of many tribes known to the early history of the country are noticeably absent, and this leads to the popular conclusion that the Indian is fast dying out.

This is a misconception of historical data and is based largely upon the hypothesis that the country now known as the United States was, on the advent of Columbus, populated very densely. At the time of the discovery of America the explorers from the Old World were prone to exaggerate every unusual occurrence which was presented to them in the unknown world upon which they had landed, the few being magnified into the many, and the dark, mysterious forests were peopled by fancy with myriad hosts of red men guarding the secrets to untold mines of golden wealth. Lured by fanciful imaginings and heroic tales, the hardy warriors of the age, penetrating these sylvan retreats and finding not the gold they sought, glorified their prowess by the multiplicity of aborigines they met and conquered. It must be remembered that the domain of the United States is of vast extent; that the original inhabitants seldom lived in villages; that the women tilled the soil and the men were engaged in almost constant strife with other tribes and rival bands with each other in the same tribe. Agriculture being neglected, or pursued only by the weaker sex, the chase principally provided for life's urgent necessities, and game in sufficient quantities to support a large population must have vast ranges of unoccupied land. Hence, taking the concurrent facts of history and experience into consideration, it can, with a great degree of confidence, be stated that the Indian population of the United States has been very little diminished from the days of Columbus, Coronado, Raleigh, Capt. John Smith, and other early explorers.

As stated, the age of discovery, the age when America was first made known to the civilized world, was one of exaggeration. The early colonists, sprinkling their small settlements near the coast, watching the tumbling waters of the river, with its source hidden in the great beyond and flowing past the cabin, seeing the dusky form of the Indian warrior sending his occasional arrow into their homes, and looking upon the dark and mighty forests, imagined that the vast country beyond was the empire of innumerable savage enemies, who were ready to dispute their ownership by rights of discovery and occupancy.

Early accounts, therefore, of the number of Indians in the United States at that time must be taken with due regard to the credibility of the witnesses presenting the same.

The first census of Indians was made by the General Government in 1850. Thomas Jefferson, however, in 1782, made two lists of Indians who at that date lived in and beyond the present limits of the United States. These estimates, as stated in his "Notes on Virginia," were compilations from four different lists, and present the attempt at an enumeration of such Indians as came under notice of the formulators of those lists.

The various and often conflicting statements relative to the Indian population of the United States from the earliest times, which include the estimates or "guesses" of the first enumerators to the present year, are given in the following table:

TABLE 18.—*Estimates of population of Indians in United States from 1759 to 1900.*

Year.	Authority.	Number.	Year.	Authority.	Number.
1759.....	Estimate of George Croghan.	19,500	1876.....	Report of Indian Office.....	291,882
1764.....	Estimate of Colonel Bouquet	54,960	1877.....	do.....	276,540
1768.....	Estimate of Captain Hutchins	35,830	1878.....	do.....	276,585
1779.....	Estimate of John Dodge.....	11,050	1879.....	do.....	278,628
1789.....	Estimate of the Secretary of War.	76,000	1880.....	Report of United States census.	322,534
1790.....	Estimate of Gilbert Inbay.....	60,000	1880.....	Report of Indian Office.....	256,127
1820.....	Report of Morse on Indian Affairs.	471,036	1881.....	do.....	328,258
1825.....	Report of Secretary of War.....	129,366	1882.....	do.....	326,039
1829.....	do.....	312,930	1883.....	do.....	331,972
1832.....	Estimate of Samuel J. Drake.....	293,933	1884.....	do.....	330,776
1834.....	Report of Secretary of War.....	312,610	1885.....	do.....	344,064
1836.....	Report of Superintendent of Indian Affairs.	253,464	1886.....	do.....	334,735
1837.....	do.....	302,498	1887.....	do.....	243,299
1850.....	Report of H. R. Schoolcraft.....	388,229	1888.....	do.....	246,036
1853.....	Report of United States census, 1850.	400,764	1889.....	do.....	250,443
1855.....	Report of Indian Office.....	314,622	1890.....	Report of United States census.	248,253
1857.....	Report of H. R. Schoolcraft.....	379,264	1891.....	Report of Indian Office.....	246,834
1860.....	Report of Indian Office.....	254,300	1892.....	do.....	248,340
1865.....	do.....	294,574	1893.....	do.....	249,366
1870.....	Report of United States census.	313,712	1894.....	do.....	251,907
1875.....	Report of Indian Office.....	313,371	1895.....	do.....	248,340
	do.....	305,068	1896.....	do.....	248,354
			1897.....	do.....	248,813
			1898.....	do.....	262,965
			1899.....	do.....	267,906
			1900.....	do.....	272,023

The above table excludes the Indians of Alaska, but includes the New York Indians (5,334) and the Five Civilized Tribes in Indian

Territory (84,750)—a total population of 90,084. These Indians are often separated from the others in statistics because they have separate school and governmental systems.

Prior to the first census of 1850 only small reliance can be placed upon the figures given, and the work of the "estimator" entered largely into the results after that date until about 1870 or 1880, when the importance of the data became apparent. All estimates of Indians must contain some element of doubt, by reason of the shifting about of the tribes, their ignorance of the English language, and disinclination to be counted except for ration and annuity purposes.

The table is an interesting one, and shows that since 1870 the Indian population has been nearly stationary. There has been a decrease, of course, but that may be accounted for by the numbers of Indians who have become citizens of the United States and lost their tribal identity, and are counted in the regular census of American people. The census of 1890 shows 58,806 Indians as residents of various States, who are not counted on the Indian rolls as such.

It is evident that with the humane treatment of this Government, and contrary to the predictions of many, the Indian is not dying out, is not becoming extinct. He is in our population, but not of it, and there is only one course to pursue, and that is so to educate each generation that it will be a stepping-stone to the final achievement of complete extinguishment of the Indian race by its absorption into the body politic of the country.

### EXHIBITION OF INDIANS.

During the past year this office has refused to recommend to the Department that permission be granted for any persons or companies to take Indians for show and exhibition purposes. Among the applicants so refused was the well-known firm of Cody (Buffalo Bill) & Salisbury, which has for several years past secured Indians for its "Wild West Show."

In only two instances has permission been granted Indians to leave their reservation to take part in local celebrations. One was to attend the annual Frontier Day celebration at Cheyenne, Wyo. Indians from the Shoshone Agency, Wyo., have for several years past been allowed to participate in this celebration, and at the solicitation of Hon. Francis E. Warren, United States Senate, permission was granted August 4, 1900, for about thirty of them to do so this year. The conditions were that satisfactory arrangements would be made by the authorities having the celebration in charge for the care, protection, and expenses of the Indians; that the Government was to be at no cost whatever, and that the Indians could be spared from their homes without detriment to their interests.

August 24, 1900, permission was granted, upon the request of Hon. H. C. Hansbrough, United States Senate, for about twenty-five families with their tepees to leave the Standing Rock Reservation, N. Dak., to participate in the "harvest festival" to be held at Casselton, N. Dak. In this case the same requirements were exacted as in the former.

### NEEDED PUBLICATIONS ON INDIAN MATTERS.

The suggestions made in my last report as to the need of new compilations of laws relating to Indian affairs, of executive orders concerning Indian reservations, and of treaties and agreements made with Indians are earnestly renewed. The latest edition of *Laws Relating to Indian Affairs* stops with March 4, 1884; *Executive Orders Relating to Indian Reservations* is brought down no farther than April 1, 1890, and the editions of both works are exhausted. Since these dates legislation of vital importance has been enacted, and many changes have been made in Indian reservations. Constant calls are made on the office for the old volumes and for information as to subsequent legislation and executive action. The public need can be met only by new editions of these books, which should, of course, be brought down to date.

In 1837 a compilation of Indian treaties from 1778 to date was made, under the direction of the Commissioner of Indian Affairs. An inaccurate *Revision of Indian Treaties then in force* was made in 1873. The demand for a publication that shall contain all ratified treaties and agreements made by the United States with Indian tribes is increasing. It would be in constant use in this office and would be frequently referred to by other Government bureaus and by members of Congress as well as by the public at large.

Again I urge that Congress make an appropriation to cover the expense of compiling and issuing these three publications.

### CLERKS DESIGNATED AS SPECIAL DISBURSING AGENTS.

By the fourth section of "An act to legalize the deed and other records of the Office of Indian Affairs, and to provide and authorize the use of a seal by said office," approved July 26, 1892 (27 Stat. L., p. 272), one of the employees of this office was authorized to be designated by the Commissioner as the receiving clerk, who should give bond in the sum of \$1,000, etc. There is another clerk in this office, who has been appointed and designated by the Secretary of the Interior as a special disbursing officer, who is required to give bond in the sum of \$2,000. There is no salary, pay, or other emolument attached to these offices for the performance of the duties thus imposed upon them.

It is now the policy of the Government to require that its bonded officers execute a bond, etc., with a duly organized bond and trust

company. I respectfully recommend that Congress be requested to authorize the Secretary of the Interior to pay from year to year, out of the contingent fund of the Department, the annual cost of the bonds thus required of these or of any other clerks in the Department where no salary or compensation is allowed or paid for the services for which the bond is given.

### SPELLING OF NAMES OF INDIAN TRIBES.

It has long been recognized as unfortunate that there existed no authorized standard spelling of the names of Indian tribes and bands. Treaties, laws, reports, old and recent, have spelled the same name from one to a dozen or more different ways, each individual speller being a law unto himself. Out of the variations through a long series of years many spellings, and hence pronunciations, which are known to be corrupted, have nevertheless become generally accepted, like *Chippewa*, for instance, which should be *Ojibwa*; or *Sac*, which should be *Sauk*, etc.; or incorrect names for tribes have come into general use, as *Moqui* for *Hopi* and *Sioux* for *Dakota*.

For some years the Bureau of American Ethnology has been trying to systematize its own spelling, and the Century Dictionary of Names, with the help of the Bureau, carried the matter along a little further, although in a new edition of that work many additions and changes will have to be made.

The Government Printing Office, which follows exactly the spelling promulgated by the Board of Geographic Names, asked this office to prepare for its use a similar list of names of Indian tribes to be published in its forthcoming Manual of Style Governing Composition and Proof Reading. After consultation with the Bureau of American Ethnology such a list was prepared, which both that Bureau and the Indian Bureau, as well as the Printing Office, propose to follow in the future as the "authorized version."

Attempt was made to spell all names phonetically, but it is not claimed that the spellings adopted are as scientific and consistent as might be desired. Necessarily it was somewhat a matter of compromise since it was found inexpedient to reject spellings which have long obtained in treaties and legislation and such as have been used in geographic terms or are of foreign origin. It is too late now to undertake much of a reform in the spelling of Indian names; but uniformity is still within reach, and it is believed will be secured by the adoption of this list, which has been sent out to all agencies and schools in the Indian service. It will be found on page and is the same as that published by the Printing Office with a few additions. This revised spelling is followed throughout this report.



## COMMISSIONS.

**Chippewa Commission.**—In previous annual reports of the office, commencing with 1889, will be found accounts of the progress of the work of the Chippewa Commission in carrying out the provisions of the act of Congress of January 14, 1889 (25 Stats., 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota." On April 9, 1900, the commission submitted a schedule showing allotments to 4,211 Indians on the White Earth Reservation, and on July 21, 1900, a supplemental schedule was submitted, showing allotments to 160 Indians on said reservation. June 20, 1900, the Secretary of the Interior directed that the work of the Chippewa Commission be suspended and that its final accounts be closed. July 21 the commission (D. S. Hall) reported to this office that it had on that date turned over to the United States Indian agent of the White Earth Agency all its books, records, papers, etc. This closed the work of the commission.

**Crow, Flathead, etc., Commission.**—The appropriation for the payment of the expenses of the Crow, Flathead, etc., Commission having become exhausted, that commission was suspended November 14, 1899, in compliance with Department instructions, and the members were directed to proceed to their homes not later than the 18th of that month and to incur no money liability after that date. It was proposed by the commissioners that a deficiency appropriation be secured to continue the commission to April 1, 1900, when the same would expire by limitation of law (act March 3, 1899, 30 Stat. L., p. 1235), and also that Congress be asked to authorize its continuance for another year from April 1, 1900. The office in its report of January 5, 1900, declined, however, to recommend any further appropriation for this commission, and in Department reply of January 8, 1900, this position was concurred in and the office was instructed to so advise the commissioners. The suspension of the commission continued until April 1, 1900, when under the law it ceased to exist.

The following provision, however, was made by Congress in the deficiency appropriation act approved June 6, 1900, for continuing this commission:

For continuing after the passage of this act and during the fiscal year nineteen hundred and one the work of the commission under the act of Congress approved June tenth, eighteen hundred and ninety-six, to negotiate with the Crow, Flathead, and other Indians, fifteen thousand dollars, and the members of said commission shall perform such duties as may be required of them by the Secretary of the Interior. (31 Stats., 302.)

In compliance with the above provision, Messrs. James H. McNeely, of Evansville, Ind.; Charles G. Hoyt, of Beatrice, Nebr., former commissioners, and B. J. McIntire, of Kalispell, Mont., were appointed on June 25, 1900, as the members of the commission, Mr. McNeely being elected chairman thereof, and Mr. Hoyt disbursing officer. There

remained of the tribes named in the act of June 10, 1896, which provided for the appointment of this commission, only the Yakima in Washington and the Flatheads in Montana with whom agreements had not been concluded. Instructions for the guidance of the commission in the conduct of negotiations with these two tribes were prepared by the office, and they were directed to proceed first to the Yakima Reservation and take up the work there.

It was stated in my last annual report that a total of \$49,500 had been appropriated for this commission. Adding to this the \$15,000 appropriated by the act above quoted makes a total of \$64,500.

**Five Civilized Tribes Commission.**—Its work is referred to under the head of Indian Territory on page 103.

**Puyallup Commission.**—The Indian appropriation act approved May 31, 1900, contains the following clause relative to the Puyallup commission:

For the compensation of the commissioner authorized by the Indian appropriation act approved June seventh, eighteen hundred and ninety-seven, to superintend the sale of land, and so forth, of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars. (31 Stats., p. 239.)

It will be observed that this provides for continuing the sales of the Puyallup lands for the present fiscal year. This work was continued during the last fiscal year under a similar provision in the Indian appropriation act approved March 1, 1899 (30 Stat. L., 940). Clinton A. Snowden was appointed commissioner June 22, 1897. He is still in charge of the work, and is making satisfactory progress. It should be remarked, however, that the work of ascertaining and determining the legal heirs of deceased allottees is slow, and sometimes difficult, because the heirs are scattered, some living in other parts of Washington than the reservation, also in Oregon and elsewhere, even in Alaska. This makes it difficult to reach them and obtain proper evidence as to heirship. There are, however, only a few cases delayed on this account.

## ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual report is as follows:

### ALLOTMENTS ON RESERVATIONS.

During the year patents have been issued and delivered to the following Indians:

Chippewa of Lake Superior on the Bad River Reservation, Wis.....	135
Chippewa of Lake Superior on the Lac du Flambeau Reservation, Wis .....	152
Chippewa of the Mississippi on Deer Creek Reservation, Minn....	4
Omaha in Nebraska .....	799
Santee Sioux in Nebraska .....	481
Sioux of the Devils Lake Reservation, N. Dak.....	3
Umatilla Reservation, Oreg.....	887

Allotments have been approved by this office and the Department as follows:

Colville Reservation, Wash.....	646
Fort Berthold Reservation, N. Dak .....	940
Klamath Reservation, Oreg .....	1, 174
Oto Reservation, Okla.....	440
Sioux of the Rosebud Reservation, S. Dak. (including 489 previously approved which have been revised under act of March 3, 1899, 30 Stats., 1892).....	3, 107
Yakima Reservation, Wash. (approved September 13, 1899, but not included in last annual report) .....	599
Certificates issued to members of the Kiowa and Comanche tribes.....	6

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

Chippewa of the Mississippi on White Earth Reservation, Minn..	4, 367
Sioux of the Lower Brulé Reservation. S. Dak .....	556
Sioux of the Rosebud Reservation, S. Dak.....	473

The condition of the work in the field is as follows:

**Cheyenne River Reservation, S. Dak.**—April 7, 1900, the President granted authority for making allotments on the Cheyenne River Reservation, and Special Allotting Agent John H. Knight, who had just completed the work of allotting the Indians of the Lower Brulé Reservation, was designated to make the same. Instructions were given him April 19, 1900, which were approved by the Department April 25, and shortly thereafter he entered upon the duty. August 20 he had made 127 allotments.

**Kiowa and Comanche Reservation, Okla.**—The agreement concluded with the Comanche, Kiowa, and Apache tribes of Indians October 21, 1892, was ratified by Congress June 6, 1900, the original agreement as incorporated in the act being materially changed and amended. As ratified, the agreement provides for the allotment of 160 acres of land to each member of said tribes, the allotments to be selected within ninety days from the ratification of the agreement.

*Provided*, That the Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall, within the next thirty days after said time, make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

The act authorizes and directs the Secretary of the Interior to cause the allotment of said lands to be made by "any Indian inspector or special agent." It also provides that the time for making allotments shall in no event be extended beyond six months from the passage of the act. July 6, 1900, Inspector C. F. Nesler and Special Agents E. B. Reynolds and A. C. Hawley were designated to make the allotments. Instructions for their guidance were approved by the Depart-

ment July 12, 1900. No appropriation for this work was made by Congress. The expenses will, therefore, have to be paid out of the regular appropriation for surveying and allotting Indian reservations for the current fiscal year, amounting to \$20,000, from which appropriation are paid the per diem and expenses of the allotting agents on Cheyenne River and Rosebud reservations, as well as two special allotting agents on duty in connection with allotments on the public lands. The latter work will be arranged so as to allow as much as possible for the Kiowa allotments. No effort will be spared to complete this work by the 6th of December next.

**Omaha and Winnebago Reservation, Nebr.**—Special Allotting Agent John K. Rankin has completed the work of making the additional allotments on the Omaha Reservation under the act of March 3, 1893 (27 Stats., 612), so far as practicable, pending the final determination of certain suits for tribal rights instituted by mixed bloods. The 799 patents referred to above have been issued on allotments made by him, and have been transmitted to the agent for delivery.

He is now engaged on the Winnebago Reservation investigating the rights of parties to whom patents were issued under the act of February 21, 1863 (12 Stats., 658), preliminary to completing the allotments under the act of February 8, 1887 (24 Stats., 394).

**Rosebud Reservation, S. Dak.**—Special Allotting Agent William A. Winder has completed the revision of allotments made on the Rosebud Reservation prior to March 3, 1899. By the act of that date (30 Stats., 1362) allotments of 320 acres previously made to the head of a family were to be divided equally between husband and wife. He reported September 30, 1900, that up to that date he had made a total of 4,149 allotments on the Rosebud Reservation, leaving some 700 allotments yet to be made.

**Shoshone Reservation, Wyo.**—Special Allotting Agent John T. Wertz, who was engaged in making allotments on the Shoshone Reservation, was suspended from duty by the Department May 15, 1900, pending an investigation of his work which was made by Inspector McConnell. Report upon the case was submitted to the Department June 26, 1900, with the recommendation that Allotting Agent Wertz be relieved from duty and ordered home. The Department concurred, and he was ordered home (Omaha, Nebr.) by telegram dated July 3, 1900. He reached there July 7, 1900. Before his suspension he had made 205 allotments.

His predecessor, John W. Clark, made 1,310 allotments on that reservation. The allotment work there has been suspended until a system of irrigation can be planned and approved. When this shall have been done the allotment work there will be resumed. George Butler is now engaged in the preparation of irrigation plans for this reservation.

## NONRESERVATION ALLOTMENTS.

**Helena, Mont., land district.**—Having concluded his work in Minnesota and Wisconsin, so far as was deemed practicable, Special Allotting Agent Keepers was instructed April 26, 1900, to proceed to the Helena, Mont., land district to investigate 52 applications for allotments of lands therein. He found that with the exception of a few cases the applicants or beneficiaries named in the applications were Indian women married to white men and their half-blood children, and that they were not therefore entitled to allotments under the rulings and decisions of the Department. He also found that in a number of instances the women and children are enrolled at the Blackfeet Agency, and are drawing annuities as Indians of that agency, although living on the public domain with their white husbands and fathers. Mr. Keepers recommended the cancellation of all such applications, and the same have been reported to the General Land Office with the request that steps be taken to effect their cancellation. Mr. Keepers completed this work about August 15, 1900.

On account of the reduced state of the appropriation for making allotments to Indians, upon the recommendation of this office the Department directed that Mr. Keepers be furloughed without pay on August 10, 1900, until such time as it may be deemed advisable to recall him to duty. He was ordered to his home, Beallsville, Ohio, August 13, 1900. As soon as the condition of the allotment funds will permit, the office expects to recommend his return to the field.

**Washington.**—Special Allotting Agent William E. Casson was engaged in allotment work on the north half of the Colville Reservation from July, 1899, until early in January of the present year. January 29, 1900, he was instructed to proceed to Wenatchee, Wash., for the purpose of making allotments to the Indians in that locality. Very little suitable vacant land for allotments was found there, and but 18 allotments were made. A detailed account of his work among those Indians will be found under the head of "Wenatchi Indians," page 174.

**Case of Mike Williams.**—June 23, 1900, the Assistant Attorney-General for the Interior Department rendered an opinion in the matter of the application of Susan Williams, a Manache Indian, for an allotment for her minor child, Mike Williams, of certain unsurveyed public lands in T. 25 S., R. 27 E., Independence, California, land district, under section 4 of the act of February 8, 1887 (24 Stat., 388), as amended by act of February 28, 1891 (26 Stat., 794).

The opinion states that the Commissioner of the General Land Office had asked for instructions in this case, the facts being as follows: Susan Williams made application August 13, 1891, for her minor son, Mike Williams, 15 years of age. October 16, 1899, a special agent of the General Land Office reported that he had made an investigation of the facts

connected with the application and found that Mike Williams was a half-breed, his father being a white man named Ham Williams and his mother a full-blood Manache Indian. Thereupon the Commissioner of the General Land Office submitted the application to this office for such action as it deemed necessary to determine the status of the minor. This office returned the application expressing the opinion that it should be allowed to stand, because until August 3, 1896, the Department had recognized the child of an Indian woman born of a marriage entered into prior to the act of August 9, 1888 (25 Stat., 392), as entitled to an allotment under said fourth section; since August 3, 1896, such applications have not been allowed. The Commissioner of the General Land Office, on the contrary, expressed the opinion that this minor, being the son of a white man, took the status of the father, which made him a citizen of the United States, and therefore not entitled to an allotment as an Indian.

The Assistant Attorney-General's opinion is that a child of a white man married to an Indian woman follows the status of the father as to citizenship, and that there is nothing to indicate that this applicant comes under any exception to the rule. Therefore, under the rulings of the Department (*Black Tomahawk v. James E. Waldron*, 13 L. D., 683, and 19 L. D., 311, and *Ulin v. Colby*, 24 L. D., 311), this application of Susan Williams for her minor child, Mike Williams, should not be allowed.

Department approval of this opinion, dated June 23, was forwarded to this office by the Commissioner of the General Land Office on July 18, 1900.

July 25, this office requested the Department to reconsider its approval of that opinion, basing the request upon the argument contained in its letter to the General Land Office of January 25, 1900.

The Department replied, July 27, that that argument had been fully considered by both the Department and the Assistant Attorney-General, and that there seemed to be no reason for a reconsideration of the case. The views of this office upon cases of this character having been fully set forth in the Annual Report for 1899, pages 46 to 50, it is not necessary to repeat them here.

**Case of Stephen Gheen.**—January 25, 1899, the application (No. 28, Duluth, Minn., series) by Stephen Gheen, a half-breed Chippewa Indian, for an allotment, under said section 4 of the general allotment act (*supra*), of certain surveyed lands was submitted to the Department by this office. The application was made by Gheen on October 2, 1888; the lands applied for were agricultural in character, and the applicant had made settlement and improvements thereon. The office referred to the fact that the Department did not decide until August 3, 1896, that the children of an Indian mother and white father, a citizen of the United States, are not entitled to allotments under said fourth

section, and that prior to that date allotments made to mixed bloods as well as full bloods, had been approved by the Department; therefore it would appear that the decision should not be retroactive, and that it should apply to allotments made prior to that date. April 5, 1900, the office submitted an argument at length in favor of the Indian's claim, and asked that it be considered and finally determined. July 30, 1900, the Department replied that this case was similar to that of Mike Williams, and that the rule therein laid down would govern.

The office understands from these two rulings that all allotment applications made by the children of Indian women married to white men are to be rejected, and that all allotments to them not patented are to be canceled.

### IRRIGATION.

The Indian appropriation act for the current fiscal year authorizes the Secretary of the Interior to employ not exceeding two superintendents of irrigation, who shall be skilled irrigation engineers. Under this authority George Butler is employed as superintendent of irrigation on the Wind River Reservation in Wyoming, and John D. Harper has recently been appointed such superintendent for the pueblos of New Mexico, several of these communities being in a distressing state of poverty from lack of water.

The amount of the appropriation available for irrigation purposes during the current fiscal year, aside from the funds of a few tribes, is \$50,000.

**Colorado River Reservation, Ariz.**—The Indians have suffered for some years on account of insufficient irrigation. Out of 2,000 Indians belonging on the reservation only 300 were living there in 1898, some 1,500 having congregated in the vicinity of Needles, Cal., many of them subsisting by the charity of citizens and travelers.

Last year relief to some extent was afforded by the purchase of a steam engine and pump by which water was supplied to a small tract of land, enabling a few of those who had left the reservation to return.

There is an abundant water supply, said to be capable of irrigating some 300,000 acres of land, which will produce any of the fruits, vegetables, or grains that can be grown in southern California. To construct a system of irrigation for these lands will necessarily be an undertaking of considerable magnitude, but it will sooner or later become a necessity.

**Pima Reservation, Ariz.**—For a number of years the matter of a water supply for the Pima Indians on the Gila River Reservation in Arizona has received the attention of this office. Before the lands around the reservation were settled to any considerable extent these Indians were enabled to obtain a sufficient water supply to irrigate so much of the reservation as would enable them to raise crops enough for their support. As the country settled up, the supply in the Gila River was

appropriated by the settlers above the reservation, so that during the last few years the river has been almost dry on the reservation during the irrigation season.

The Department of Justice was asked to institute legal proceedings to stop the diversion of water from the Indians, but they are only entitled to so much of the waters of the river as they have been accustomed to use, which amount it has been found impossible to determine.

An investigation of the water supply was made under the direction of the Geological Survey. It showed that there was no method of obtaining a sufficient supply of water except by the construction of a dam and reservoir at some point on the river above the reservation. (Senate Doc. 27, Fifty-fourth Congress, second session.) Further investigation showed the best and most economical location for such a reservoir to be near San Carlos. (Senate Doc. 37, Fifty-sixth Congress, first session.)

During the last session of Congress a bill (H. R. 3733) "To authorize the construction of a reservoir near San Carlos, Ariz., to provide water for irrigating Sacaton Reservation, and for other purposes," was introduced and referred to the Committee on Irrigation and Arid Lands. This bill appropriates the sum of \$1,000,000 for the purpose of sounding for bed rock at the foundations of the proposed San Carlos dam, for preparing detailed plans and estimates, and for beginning the construction of foundations and completion of said dam or dams, the money to be expended under the direction of the Secretary of the Interior, and the work to begin as early as possible and to be prosecuted to completion without delay.

The estimate of the Geological Survey for the entire work, including damages for right of way and diversion dam at the head of the Florence Canal, was \$1,038,926. The reservoir is estimated to be of sufficient capacity to irrigate 100,000 acres in addition to the lands of the Indians. As the valuation of a perpetual water right is not less than \$10 per acre in Arizona, the value of the lands reclaimed in addition to the Indian lands would be equal to the proposed appropriation.

April 24, 1900, this office made report upon the bill, in which it expressed the hope that it would be favorably considered by the committee and by Congress. The bill was not passed, but Congress appropriated the sum of \$30,000 for the temporary support of the Indians of the Pima Agency.

It is understood to be the purpose of the Department to expend this \$30,000 in the construction of ditches, with the view of having them available whenever the reservoir shall be constructed, Indians to be employed in the work. While the ditches may not be of use, it is certainly wise to require the Indians to perform labor in return for the appropriation, as otherwise they might be led to abandon their former habits of industry and become pauperized.



With a sufficient water supply the Pima Indians can support themselves in comfort with no pecuniary assistance from the Government. Without this, appropriations must be continued indefinitely. I can not too strongly urge the passage of the bill for the construction of the proposed reservoir.

**Fort Hall Reservation, Idaho.**—December 5, 1899, a telegram from the Fort Hall Agency informed this office that the receiver of the Idaho Canal Company had reported that the canal from Blackfoot River to Ross Fork Creek would be completed by December 12, and it was urged that a competent man be sent to inspect the same. The telegram was submitted to the Department December 6, with recommendation that Inspector Graves be instructed to inspect the work and to accept it if it had been completed in accordance with the terms of the contract with the company.

January 26, 1900, Inspector Graves reported that the condition of the canal at that time was such that it could not be accepted as having been so constructed, and that the final payment of \$22,500 ought not to be made.

June 29, 1900, the Department directed that no further payment be made so long as the work fails to meet the requirements of the contract, or so long as claims on account of the work remain unsatisfied which might be enforced to the injury of the Indians.

The report of Agent A. F. Caldwell, dated May 24, 1900, showed that the following liens had been filed on the dates indicated:

Aug. 1, 1896. James Pratt .....	\$24. 00
Aug. 1, 1896. Lee Warren .....	6. 50
Aug. 1, 1896. George Bozarth .....	17. 00
Feb. 5, 1898. Charles D. Chapin .....	157. 50
Feb. 7, 1898. Julian DeCoster .....	1, 125. 00
Feb. 7, 1898. Fred Wilson .....	525. 70
Feb. 9, 1898. Joseph M. Johnson .....	88. 50
Feb. 10, 1898. Roy Davis .....	121. 15
Feb. 11, 1898. Joseph E. Hall .....	108. 50
Feb. 11, 1898. G. H. Nickerson .....	1, 189. 80
Feb. 14, 1898. John A. Modine .....	1, 805. 30
Feb. 16, 1898. Murdock & Cowles .....	229. 85
Feb. 26, 1898. George J. Wernett and William Dial .....	450. 00
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	5, 848. 80

The following is a list of all unsatisfied judgments, with the date of each:

Mar. 11, 1897. Jacob Teeples .....	\$437. 34
Mar. 15, 1898. J. H. Brady .....	6, 633. 12
Mar. 23, 1898. E. T. Wilson .....	668. 50
Mar. 29, 1898. C. E. Thum, receiver .....	742. 30
Oct. 1, 1898. Grant H. Nickerson .....	1, 290. 40
Mar. 30, 1899. John A. Modine .....	3, 665. 12
Mar. 30, 1899. E. T. Wilson .....	324. 50

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13, 761. 28

All of the foregoing are simple judgments, with the exception of that of E. T. Wilson, \$668.50, and Grant H. Nickerson, \$1,290.40, which are foreclosures of liens. The judgment of John A. Modine for \$3,665.12 includes also the liens of several other parties, viz, Julien DeCoster, John A. Modine, Fred Wilson, and Wernett & Dial. The amount of the judgments, as shown in above list, includes the actual amounts of the various judgments with the costs added.

July 27, 1900, Samuel J. Rich, receiver of the Idaho Canal Company, was notified that the defective work must be remedied and the contract fully complied with, and that no further payment would be made until it should be satisfactorily shown that all claims that had or might become liens upon the property of said company to the injury or detriment of the Indians or the United States had been satisfied or discharged. On the same date each surety on the bond of the company, Messrs. James H. Brady, Daniel Swinehart, Frank W. Smith, and Charles W. Spalding, was notified that he would be held liable for any default of the company under its contract.

The letter addressed to Mr. Smith, at his last-known residence, has been returned to this office undelivered.

In a report dated August 3, 1900, Inspector Graves refers to the irrigation situation on the Fort Hall Reservation as follows:

The ditch constructed by the receiver for the Idaho Canal Company last winter, extending from the Blackfoot River to Ross Fork Creek, is dry and useless. One or two unsuccessful attempts were made earlier in the season to flow water through it. At each attempt the water broke through the embankments and washed out unsightly gorges along the side of the mountain and deposited sand over the land below in such quantities as to ruin it for any purpose except as a sand bank.

I had some misgivings as to the capability of this canal for carrying the amount of water required by the contract last winter when I examined it and reported upon the matter, and the experience of these attempts to flow water through it has confirmed my estimate of it. The difficulty arises from the fact that the ditch is not excavated sufficiently; it is a "built-up" channel rather than an excavated one. In order to make a cheap but showy ditch only the surface of the ground was excavated for most of the distance, and the material used in making the embankments was borrowed from the surface along the outside of the channel, as it was loose and required but little, if any, plowing and breaking; indeed, it was mostly sand, and when such material was placed in narrow steep-sloped embankments it is not at all surprising that it will not withstand the pressure and washing of the water when flowing through the ditch in any quantity. I do not believe the ditch in its present condition will carry one-fourth of the quantity of water it is expected to carry and that it will be necessary to carry if the contract is fulfilled. \* \* \* \*

These Indians are so impressed with the idea that this irrigation undertaking is a deception and a fraud and pregnant with so much trouble and disaster for them when they attempt to farm and depend upon the ditch for their supply of water that they will not talk about it nor listen with patience to any explanations concerning the matter. It will take a long time to overcome the prejudice that they have acquired against this company and its ditch system.

If it were possible for the Department to foreclose the business in some manner and acquire the right and contract of this canal from the head of it at Snake River

down to the end, and eliminate the Idaho Canal Company altogether from the affairs of the reservation, it would be better for all concerned and would place the Government in position to advance and improve the condition of these Indians in some effective way.

As a matter of convenient reference the following history of the steps taken to secure a water supply for the Fort Hall Reservation is here given, being extracts from office letter of December 3, 1896:

July 1, 1891, the Acting Secretary of the Interior authorized this office to inform the Idaho Canal Company that the right of way into and across the Fort Hall Indian Reservation would be formally granted to said company when certain conditions had been complied with, and granted permission for the company to commence work on the reservation subject to these conditions and the intercourse laws.

Previously to this Commissioner Morgan had had considerable correspondence with Mr. Hall, the president of the Idaho Canal Company, concerning this right of way, and regarding terms and conditions upon which the company would furnish a supply of water for the Indians.

This action was based on the tenth section of the act of Congress of September 1, 1888 (25 Stat. L., 455), and that of March 3, 1891 (26 Stat. L., 1011).

September 6, 1891, Agent Fisher, of the Fort Hall Agency, advised this office that he had been informed by Mr. L. E. Hall, president of the Idaho Canal Company, that the proposed irrigating canal across the reservation, for which right of way had been granted as above stated, could hardly be constructed for some time to come, as the company was composed of men of limited means, and it had been ascertained that the cost of construction would be more than double the amount anticipated.

June 2, 1892, Special Agent Leonard reported to this office that it would be necessary to provide a general system of water supply for irrigation and domestic purposes on the Fort Hall Reservation, in order to induce the Indians to establish homes, cultivate the soil, and properly care for their domestic animals, poultry, etc.; that the water in the Blackfoot River had already been appropriated by the whites; and that it was only a question of time until all the water in Snake River would be appropriated north of the reservation. He expressed the opinion that the Pocatello town-site fund would be best invested in establishing a system of irrigation.

October 15, 1892, Acting Commissioner Belt directed Agent Fisher to submit a report indicating what system or systems of irrigation it were possible to construct in order to afford an ample supply of water for the Indians for all purposes, and the estimated cost of the same. He was also directed, in case he was unable to do this without the aid of a surveyor, to submit an estimate of the cost involved in the employment of such surveyor.

October 27, 1892, Acting Commissioner Belt recommended that the Department authorize the Fort Hall agent to expend \$200 for the purpose of preparing plans and estimates for a system of irrigation on this reservation. This recommendation was based on Agent Fisher's letter of October 20, 1892. July 12, 1893, the Department returned the above report for further consideration and report.

Acting Agent Van Orsdale having been called upon for a recommendation in the matter, he reported under date of August 10, 1893, that it was certainly advisable to decide soon upon some system of irrigation and to begin work. He also reported that the Idaho Canal Company proposed to guarantee a perpetual flow of water at \$250 per cubic foot, the Government to take at least 300 cubic feet, which would bring the original cost up to \$75,000, with annual maintenance tax of \$7,500 to irrigate 24,000 acres.

August 18, 1893, I renewed the recommendation of my predecessor for the employment of a surveyor, and on August 21, 1893, the Department granted the necessary authority.

December 6, 1893, Captain Van Orsdale submitted his report. He estimated the cost of the construction of a canal from the Snake River, having a capacity of 600 cubic feet per second, including four or five laterals, at \$145,000.

This amount being largely in excess of the appropriation available for irrigation purposes, no action was taken upon the report, but during the session of Congress Senator Dubois secured the passage of the clause in the act of August 15, 1894 (28 Stat. L., 286), authorizing the Secretary of the Interior to contract with responsible parties for the construction of irrigating canals and the purchase or securing of water supply on the Fort Hall Reservation, and providing that the cost of the same should be paid from the funds of the Indians.

November 24, 1894, Mr. Walter H. Graves, superintendent of the construction of a system of irrigation on the Crow Reservation, was instructed under authority from the Department to proceed to the Fort Hall Reservation and investigate the matter of furnishing a water supply thereon carefully and report the result thereof to this office.

April 27, 1895, he submitted his report in which he referred to several propositions submitted to this office and to him. Regarding the Idaho Canal Company he stated that it had commenced the construction of a canal for the purpose of supplying the lands on the reservation with water; had practically finished several miles of the heaviest and most expensive work upon it; had a good location for head works; and had in place a fairly substantial head gate, etc.

Regarding the proposals of Messrs. Cusick & Hower, Superintendent Graves stated that they did not reach him in time to enable him to indicate their proposed line upon the map; that the character of such works as they had constructed was superficial in every respect, and that he doubted their ability to perpetuate the undertaking. They submitted no estimate for the construction of a canal south of the Blackfoot River.

Superintendent Graves's report not being regarded as sufficiently explicit to enable this office to intelligently consider the matter he was summoned to this city for consultation, and Mr. Hall, president of the Idaho Canal Company, who was then in Chicago asking for an answer to this proposition, was advised of that fact.

After an extended conference with Superintendent Graves and Mr. Hall, Acting Commissioner Smith, on May 22, 1895, asked Mr. Hall to submit proposals for the delivery of 300 cubic feet of water to the Indians above Ross Fork Creek and an equal quantity below, on the basis of a perpetual right, and also the price for which his company would convey to the United States all its right, title, and interest in and to the irrigating canal known as the Idaho Canal Company's short line, including the franchises, rights of way and appurtenances, and the ditch and improvements already constructed on the reservation.

To this communication Mr. Hall replied specifically May 24, 1895. His proposals were submitted to Superintendent Graves, who reported thereon June 1, 1895, expressing the opinion that the proposition of the company to deliver 300 cubic feet of water between the Blackfoot River and Ross Fork Creek was the best one that had been offered for the consideration of the Department. He made certain suggestions as to the guaranties to be exacted and as to the terms of payment, etc. One of the advantages to be secured from this proposed agreement was a perpetual water right for the lands below Ross Fork Creek at a fixed price per acre, it being contemplated that these lands would eventually be sold for the benefit of the Indians. \* \* \*

June 19, 1895, the draft of a contract with the Idaho Canal Company embodying the provisions approved by Superintendent Graves was prepared and submitted to the Secretary, with the recommendation that if it was satisfactory to him it be submitted to the company for its acceptance and proper execution. \* \* \*

July 10, 1895, the Secretary of the Interior approved of the terms of the proposed contract, as prepared by this office, and authorized me to have the same executed on

the part of the company, together with a bond for \$50,000, conditioned for the faithful performance of the contract, the latter to be then forwarded for execution by the Department. The contract was executed by the company (L. E. Hall, president), July 30, 1895, and filed in this office August 7, 1895, by Frank W. Smith. By the informal direction of the Secretary the contract was not submitted to him, but retained in this office.

October 7, 1895, he [the secretary] advised me that after full consideration as to the interests involved in their relation to the future of the Indians, and in view of counter propositions offered by other parties prior and subsequent to July 10, 1895, which seemed to be more favorable to the Government and the Indians, and also in view of representations that had been made to him by alleged friends of the Idaho Canal Company, which were prejudicial to the character and ability of the persons who had also submitted propositions, which he afterwards found to be misleading, he had decided to reject all bids, and directed me to make the necessary inquiries as to the feasibility of obtaining a sufficient water supply, together with its probable cost, with the view to constructing the proper and necessary ditch, etc., *by the Government.*

October 7, 1895, Agent Teter, of the Fort Hall Agency, was advised of the foregoing action, and directed to obtain from the State engineer, or other officer having charge of such matters, a written statement over his official signature showing the minimum quantity of water in the Snake River available for irrigation, the quantity already appropriated, and the remaining quantity that could be acquired by the Government for irrigation purposes on the Fort Hall Reservation.

November 1, 1895, Agent Teter transmitted a statement furnished by F. J. Mills, State engineer, giving an approximate estimate of the flow of the waters of the Snake River, the records of the amount appropriated up to October 22, 1895, and the law governing the appropriation of the same for irrigation purposes. From this statement it appeared that water considerably in excess of the average flow of the river during the latter part of the irrigating season had been appropriated. It was therefore impracticable for the Government to obtain a sufficient water supply for the Indians independently of the parties who had secured control of the same.

Agent Teter reported that the only feasible place to get water for the purpose of irrigating the lands between the Blackfoot River and Ross Fork and between the latter stream and the Port Neuf was from Snake River. He estimated the area of these lands at 120,000 acres, and stated that the water should be taken out of Snake River at an elevation sufficient to cross the Blackfoot River by a flume and delivered on the reservation, the construction of this part of the canal and flume to be by contract to the lowest responsible bidder. From this point, he stated, the main canal, as well as other ditches and laterals, should be built by the Indians under Government supervision. November 11, 1895, I transmitted this report and statement to the Secretary for his information.

November 15, 1895, the Secretary authorized advertisement to be made for proposals for furnishing a water supply for this reservation. \* \* \*

The papers selected were the Salt Lake Herald, semiweekly edition, and the Pocatello Herald, weekly. The advertisement was to run for three weeks, covering a period of twenty-one days, sealed bids to be received until 1 p. m. December 26, 1895, at which time they were opened and read in the presence of bidders and others attending. It appeared six times in the Salt Lake Herald, the first insertion being on November 27, 1895.

Specifications for the guidance of bidders and form of proposed contract were printed and copies forwarded to all persons who had previously indicated a desire for information in regard to this undertaking, or had manifested a wish to engage in it, and also to Agent Teter to be supplied to all persons asking for the same. Copies were also sent to all who, during the publication of the advertisement, applied to

this office for information regarding the proposed contract. Inquiries made of this office personally and by letter from various parts of the country, showed that knowledge of the proposed letting of a contract for a water supply on the Fort Hall Reservation was widely disseminated.

These proposals contemplated the construction of a canal heading in the Snake River at or above the town of Basalt, the water taken from Snake River to be carried across the Blackfoot by a flume, to be carried onto and across the reservation by the highest practicable route, said route to be indicated by a map of preliminary survey, and to receive the approval of the Secretary of the Interior. They also contemplated the extension of the canal beyond Ross Fork Creek to whatever point might be necessary to supply the main body of lands lying between Ross Fork Creek and the Port Neuf River.

Also that the successful bidder should deliver in perpetuity 300 cubic feet of water per second of time at such points as might be designated by the Commissioner of Indian Affairs along the line of the canal to be constructed between the Blackfoot River and Ross Fork Creek, for a stipulated sum, and an annual maintenance charge not exceeding \$15 per cubic foot, and contract to furnish, whenever the same might be needed, a sufficient water supply for the surplus lands lying under the canal between Ross Fork Creek and the Port Neuf, and to convey a perpetual water right at not to exceed \$5 per acre for not exceeding 1 cubic foot of water per second for 80 acres, the annual maintenance charge not to exceed 75 cents per acre.

The terms of payment prescribed in the specifications were as follows:

One-half upon the delivery of 100 cubic feet of water at some point or points to be designated by the Commissioner of Indian Affairs, and to be not more than 4 miles south from Blackfoot River, such delivery to be not later than the 1st day of June, 1896.

One-fourth of the entire amount upon the delivery of 100 cubic feet additional, at a point to be designated by the Commissioner of Indian Affairs, such designated point to be at or near the crossing of the proposed canal and Ross Fork Creek, which delivery was to be made at or before the beginning of the irrigation season next succeeding the date of the first payment, but such delivery not to be required earlier than three months and not later than one year from the date of the first payment.

The remaining one-fourth to be paid upon the delivery of the 100 cubic feet necessary to include the entire amount of 300 cubic feet, but not before the expiration of one year from the date of the second payment.

In case of failure to deliver the supply of water agreed upon for any twenty consecutive days during the irrigation season, the maintenance charges for the corresponding year were to be withheld and forfeited, and in case of failure to deliver the supply agreed upon for any ten consecutive days during June, July, and August, 50 per cent of the maintenance charges for that year was to be forfeited. In case of failure to deliver the specified quantity of water at the time or times specified, the contractor was to be liable to a penalty of \$50 per day for such failure.

The date for the delivery of the first 100 cubic feet of water was fixed for June 1, 1896, as this was the latest date at which it would be available for the irrigating season of this year, and a failure to secure a water supply from this contract would necessitate the expenditure of \$2,500 or \$3,000 to procure a water supply for the Indians living under the small constructed canal of the Idaho Canal Company.

The following bids were received:

J. J. Cusick, Pocatello, Idaho, offered to construct a ditch for \$74,500 and an annual maintenance charge of \$14 per cubic foot, *provided* a reasonable time in which to do the work was allowed; did not deem it advisable to submit a certified check, as required of all bidders.

Frank H. Murphy, Pocatello, Idaho, offered to construct a ditch for \$65,000 and annual maintenance charge of \$12 per cubic foot, but did not submit certified check, owing to the impracticability of doing the work within the time specified.

George Winter, Pocatello, Idaho (bid by telegram of December 26, 1895), offered to construct a ditch for \$60,000 and annual maintenance charge of \$12 per cubic foot. Offered to give bonds and forward certified check for any required sum if given some assurance that a reasonable time would be allowed in which to complete the work.

J. A. Murray, Butte, Mont., offered to construct a ditch for \$69,990 and annual maintenance charge of \$15 per cubic foot, reserving the right to a length of time beyond December 26, 1895, as might with reasonable diligence be necessary to survey the route and indicate the same by map, and also the right to such a length of time beyond June 1, 1896, as might be necessary to perform a work of such magnitude. He inclosed certified check for \$7,000.

Idaho Canal Company offered to construct a ditch according to specifications and form of contract for \$90,000 and annual maintenance charge of \$15 per cubic foot, and deposited certified check for \$9,000. This company also submitted two other bids deviating from the specifications, the lowest price named being \$67,500.

It may be remarked here that none of the bidders except the Idaho Canal Company appeared on the list of appropriators of water furnished by the State authorities.

All these bids I informally submitted to the Secretary of the Interior, who, after examining them, concluded that the contract with the Idaho Canal Company should be accepted as being the only one that complied with the terms of the advertisement. January 4, 1896, these bids were formally submitted to the Secretary, in accordance with his informal directions. I suggested certain minor modifications, assented to by Mr. Smith, the representative of the company, which seemed to me to be for the benefit of the Indians. On the same day (January 4, 1896) the Secretary approved the map of definite location of the Idaho Canal Company through the Fort Hall Reservation and granted it a right of way. January 25, 1896, he signed the contract, which had been executed by the company on the 13th, "in conformity with their proposition of December 26 last, to furnish water for the above-named reservation, which was accepted by the Department on the 4th instant."

March 30, 1896, Agent Teter addressed a communication to this office in which he recommended that the first 100 cubic feet of water be delivered through the Idaho Canal Company's "low-line" canal instead of the line required by the contract, and that the penalty for failure to deliver specified quantity of water by June 1 be waived. He was advised by telegraph April 7, 1896, that no modification would be made in the contract and that its terms would be strictly enforced. A similar telegram was sent to Mr. Smith, who had become the president of the company, on the same day.

May 17, 1896, Agent Teter transmitted to this office the recommendation of H. B. Mitchell, the engineer employed by him, that certain changes in the location of the Idaho Canal Company should be made, by which a great expense could be saved the Government. This recommendation was favorably indorsed by Agent Teter. Inspector John Lane also stated that he had carefully examined into the proposed changes and earnestly recommended that they be adopted. The president of the Idaho Canal Company, in reply to a letter of inquiry from this office, stated, under date of May 28, 1896, that as there would be no material difference in the cost of construction, he had no objection to the proposed changes.

June 4, 1896, I reported the matter to the Secretary with the remark that I was not disposed to favor any change from the strict terms of the contract, but as the recommendation of the engineer was strongly indorsed and approved by Agent Teter and Inspector Lane, I did not feel warranted in ignoring it, having no other information on the subject, and therefore submitted it for his consideration and decision.

June 25, 1896, the Acting Secretary returned the report of June 4, 1896, with the following conclusion:

Therefore, without additional expert testimony as to the advisability of the change recommended, and further information upon the points raised in this letter, I am of the opinion that the construction should proceed upon the lines laid down in the contract with the company named.

Agent Teter and Mr. Smith were advised accordingly by telegrams of June 26, 1896.

June 16, 1896, Agent Teter reported to this office that the Idaho Canal Company was ready on June 1, 1896, to deliver the first 100 cubic feet of water at the point designated by Engineer Mitchell, under the conditions of the contract with said company. June 29, 1896, Inspector McCormick, in accordance with the verbal instructions of the Secretary, was directed to carefully examine the canal from its head in Snake River to the point designated by Engineer Mitchell, and report whether it had been constructed in accordance with the contract and on the line laid down on the map of definite location.

July 9, 1896, Inspector McCormick submitted his report, in which he pointed out material variations in the construction of the canal from the terms of the contract, as follows:

From my instructions I infer that all I am expected or required to do is to report as to whether this canal has been constructed in accordance with the contract; am not expected to make any recommendations contrary to the letter of the contract. Therefore, proceeding upon this theory, I will state the canal is not constructed in accordance with the contract and on the line laid down on the map of definite location, and I will endeavor to show wherein it differs from the contract, viz:

The contract provides that a canal shall be constructed and completed from the Snake River, at or above the town of Basalt, to the Blackfoot River, and the water conveyed by a flume across the Blackfoot River to the Fort Hall Reservation, by the highest practicable route to Ross Fork Creek; said route to be shown by a map of definite location, and to be subject to the approval of the Secretary of the Interior, etc.

Instead of conveying this water by flume, as per contract, across the Blackfoot River, the water is emptied into the *Blackfoot River*, and using the channel of the said Blackfoot for a distance of 10 to 12 miles, is carried to a point about 3 miles southeast of the town of Blackfoot, and then taken out of said Blackfoot River by a canal to a point, inside of a mile distant, on the Fort Hall Reservation, said point having been designated by Engineer Mitchell for the delivery of same. As will be seen from the above statement, this is not in accordance with the contract, in that the water, instead of being conveyed by flume across the Blackfoot to the line of definite location opposite the flume, and thence conveyed by canal on this line of definite location to a point to be designated by the Commissioner of Indian Affairs, or his accredited agent, is emptied into the channel and mingled with the waters of the Blackfoot for a distance of 10 or 12 miles, and thence conveyed in the old canal bed, which has been enlarged, to the point designated by Engineer Mitchell.

It is true that the 100 cubic feet of water has been delivered at the time specified and at the point designated by the accredited agent of the Commissioner of Indian Affairs, but it has not been delivered on the line as defined on the map. The question at issue is as to the construction of the contract, the Idaho Canal Company insisting that the contract has been carried out to the letter and in spirit, as shown by letter dated the 7th instant, herewith inclosed, which position, however, I combat, as hereinbefore mentioned. This question is one of too much importance not to be settled immediately. The expenditure of \$90,000 in constructing a canal which, after it is built, may not be worth 90 cents to anybody, should be settled before further expenditure. However, as I do not claim to be an "expert," nor have I been called upon for further testimony, I have a hesitancy about offering my opinion until it is called for; nevertheless, the question at issue is so plain that any man of practical common sense can see, after going over the ground, the immense benefits to be derived by the Government by reconsidering the contract.

July 20, 1896, I made report to the Department upon a communication from F. A. Smith, president of the Idaho Canal Company, in regard to the contract of said company, in which I stated the facts in the case up to that time, but made no recommendation in the premises.

September 4, 1896, the Acting Secretary addressed a communication to this office, in which he referred to the above report of July 20, 1896, inviting attention to accompanying reports from Inspector McCormick, dated August 13, 1896, and Mr. Arthur P. Davis, hydrographer of the Geological Survey, dated August 31, 1896, both of whom had been detailed under Department instructions to proceed to the reservation to



inspect and compare the line as defined in the map of definite location with that recommended by Engineer Mitchell and Agent Teter, and desired an expression of the views of this office on the advantages or otherwise of the proposed changes, together with recommendation in the premises.

As it seemed to Acting Commissioner Smith that the cost of the construction of the canal, including the flume across the Blackfoot River on the line required by the contract, would not nearly be offset by the construction of two dams as proposed by Inspector McCormick, together with a drop suggested by Mr. Davis, and that the difference in cost should inure to the benefit of the Indians rather than that of the company, he asked Mr. Davis to make an estimate of the relative cost of the line as shown on the map of definite location, and on the lines recommended in his report and that of Inspector McCormick.

In response to this request he submitted the following estimate:

Saving to the company by abandoning the flume and 8 miles of canal.....	\$20,000
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Extra expense involved in new line suggested by Mr. Davis:

Diverting dam .....	6,000
Drop of 17 feet .....	2,000
Land damages.....	6,000

Total .....	14,000
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Or a saving to the company of \$6,000.

Extra expense involved in new line suggested by Inspector McCormick:

Two diverting dams .....	12,000
Land damages.....	6,000

Total .....	18,000
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Or a saving to the company of \$2,000.

He also stated that the company owned about 4 miles of canal on the reservation through which water had theretofore been delivered to the Indians; that practically all of this could be utilized and was then used by the Government as a part of the distributary system, and that it was what was wanted for the purpose. He suggested that if the company would agree to turn over this canal to the Indians in fee, it would partly compensate for the saving in construction effected by it under either plan. He estimated this canal to be worth \$4,000.

September 9, 1896, Acting Commissioner Smith made report upon the reference of the Acting Secretary, in which, in view of the reports of Inspector McCormick and Mr. Davis and the above estimate of the latter, he recommended that the company be advised that its contract would be modified upon the lines suggested by Inspector McCormick, each of the diverting dams to be of masonry base with flush boards, unless other material should be indicated by the Government engineer, the company to permit the free and unrestricted use of the water in the small canal by the Indians during the winter season, for domestic purposes, which canal was to become the property of the Indians in fee; or it would be modified upon the lines suggested by Mr. Davis, the diverting dam and drop to be of masonry, unless otherwise directed by the Government engineer, the water power resulting from the drop, the right to construct mills, buildings, machinery, etc., necessary to the utilization of the same on the right of way of the company, and the right of ingress and egress to the same to be reserved to the Indians, the company to permit the free and unrestricted use of water through the drop during the winter season and to abate the sum of \$4,000 of the contract price.

September 30, 1896, the Secretary returned the papers with the statement that he

had decided to adopt the suggestions submitted by Inspector McCormick and those of Mr. Davis, numbered "5th," on pages 15 and 16 of his report, together with those of Acting Commissioner Smith, and that the following schedule of payments had been decided upon in lieu of those provided for in the contract of January 13, 1896, viz:

1st. Thirty thousand dollars (\$30,000) immediately.

2nd. Thirty-seven thousand five hundred dollars (\$37,500) upon the completion of the two diverting dams herein provided for and the delivery of the second one hundred cubic feet of water per second of time additional at the point of delivery of the first one hundred cubic feet, designated by the Commissioner of Indian Affairs and Civil Engineer H. B. Mitchell, which delivery is to be made at or before the irrigating season next succeeding the date of the first payment; provided that such delivery and payment shall not be required earlier than three months, and shall not be later than one year from the first payment.

3rd. Twenty-two thousand five hundred dollars upon the delivery of the one hundred cubic feet of water per second of time necessary to include the entire amount of three hundred cubic feet of water per second, but not before the expiration of one year from the date of the second payment, this one hundred cubic feet to be delivered at or near the point where the company's proposed main canal from the Blackfoot River to the town of Pocatello will cross Ross Fork Creek.

He also stated that certain additional stipulations had been decided upon, and said:

Adopting the McCormick plan of requiring the construction of two diverting dams and a reservoir, as stated, involves an apparent expenditure by the company of the sum of \$18,000, which is within \$2,000 of the amount shown by Mr. Davis as the saving to the company in the cost of construction by the change of the line of location. The taking of the 4 miles of canal owned by the company on the reservation, which is valued by Mr. Davis at \$4,000, would be a complete offset to the above-named difference of \$2,000 and make an apparent difference of \$2,000 in the company's favor, but it is deemed just and equitable under the circumstances of the changes to be made, and it is understood that the modification is made only on the express condition that this 4 miles of canal shall become the property of the Indians in fee and that it shall be maintained by the company during the season of irrigation, as stated.

He also directed that a modified or supplemental contract in accordance with the specifications and directions noted be prepared by this office, and also a deed, to be executed by the company, conveying the 4 miles of canal to the Commissioner of Indian Affairs in trust for the Indians of the Fort Hall Reservation. A contract was prepared accordingly and executed by the company, by its president, October 2, 1896, and by the Secretary of the Interior October 22, 1896. The deed was acknowledged October 12, 1896.

In accordance with this modified contract the company has been paid the sum of \$30,000.

The principal reasons which influenced this office and the Department to contract with the Idaho Canal Company for a water supply, instead of constructing a system by the Government, appear to have been, first, the difficulty, if not impossibility, of obtaining a water supply, owing to prior appropriation, and second, unwillingness to construct, maintain, and operate a system of irrigation a considerable portion of which would be outside the reservation.

It now seems improbable that the Idaho Canal Company will ever be able to comply with its contract and furnish a reliable water supply for the Fort Hall Reservation. If some arrangement could be effected by compromise or otherwise whereby the delivery of a sufficient quantity of water at the reservation boundary could be guaranteed, the system within the reservation to be finished, maintained, and operated by the Government, it would probably be to the best interests of all concerned.

It is understood that the matter of protecting the interest of the Indians and the Government will shortly be fully considered by the Assistant Attorney-General.

**Crow Reservation, Mont.**—The work of completing the system of irrigation on the Crow Reservation under the supervision of Supt. W. B. Hill is proceeding in a satisfactory manner, his efforts being directed mainly to the completion of the "Big Horn" ditch, although he has constructed a ditch of fair size on Pryor Creek that will water from 800 to 1,000 acres, which is now practically completed and carrying water to several farms that have been planted in grain this year for the first time. The "head gate" or the main regulating or controlling weir of the Big Horn ditch—said to be the most expensive and complete structure of the kind in the United States—has been practically completed. Superintendent Hall has expended some \$66,000 of Crow funds during the year.

The construction of the extensive system of irrigation on the Crow Reservation, which has been in progress during the past eight years, has resulted in great improvement and advancement among the Indians aside from providing one of the best systems in the country. The money, which belongs to the Crows, has been paid out for the most part to the Indians themselves, and this money they expend much more judiciously than that which they receive as annuity payments and which comes to them without labor or effort on their part.

**Wind River Reservation, Wyo.**—Inspector Graves having reported that considerable money had been wasted on this reservation in the construction of useless and worthless ditches, Mr. George Butler was appointed, October 28, 1899, superintendent of irrigation, and on November 21, 1899, instructed to examine the reservation thoroughly with the view of ascertaining what irrigation is needed and what system will best supply the greatest number of Indians with least cost to the United States. He was also instructed to examine the ditch constructed while Colonel Ray was in charge of the agency to ascertain whether it could be placed in proper condition to deliver water upon the lands situated under it, and if so to submit a detailed estimate of the cost.

May 12, 1900, he submitted a preliminary report in which he stated that the "Ray Ditch" was the most poorly executed and valueless piece of work he had ever met. He recommended that a reconnoissance of certain tracts be made, preliminary lines run, and maps prepared showing the lines of ditches, and the allotments covered by the proposed ditches, as well as those impracticable to reach or unwise to cover owing to too great expense; also that the necessary structures be shown, and that estimates of cost of the several systems be prepared in detail.

June 28, 1900, the Department concurred in the suggestion of this

office that Superintendent Butler should proceed with his surveys, plans, and estimates for the various systems of irrigation, adapting them where practicable and where the cost would not be considerably increased to the allotments already made, with the understanding that when these systems shall have been located and their construction determined upon, and not before, the allotments shall be revised so as to give the Indians as far as practicable the lands covered by the ditches. Superintendent Butler was so advised July 9, 1900, and directed to proceed with the work of preparing plans and estimates for a system of irrigation which will be capable of irrigating a sufficient quantity of land for the use of all the Indians on the reservation.

### LOGGING ON INDIAN RESERVATIONS.

**Chippewa Reservations, Minn.**—The Indian appropriation act approved March 1, 1899 (30 Stats., 924), authorized and directed the Secretary of the Interior—

to cause an investigation by an Indian inspector and a special Indian agent of the alleged cutting of green timber under contracts for cutting "dead and down" on the Chippewa ceded and diminished reservations in the State of Minnesota, and also whether the present plan of estimating and examining timber of said lands and sale thereof is the best that can be devised for protection of the interests of said Indians; and also, in his discretion, to suspend the further estimating, appraising, examining, and cutting of timber and the sale of the same, and also suspend the sale of the lands in said reservation.

Acting under this authority of law the Department, March 30, 1899, directed this office to suspend all operations relative to the cutting or sale of timber from the diminished reserves of the Chippewa Indians in the State of Minnesota. Also by letter of the same date the Department directed the Commissioner of the General Land Office—

to suspend all further operations touching the estimating, appraising, examining, and cutting of timber, as well as the letting of further logging contracts on the ceded Chippewa Indian lands in the State of Minnesota and the sales of lands in that reservation.

As these directions applied to all Chippewa reservations within the State of Minnesota, and as they have not been revoked or modified, no logging operations were conducted during the past year on any of the Chippewa reservations in the State of Minnesota.

**La Pointe Agency, Wis.**—Sixty-nine contracts for the sale of timber to J. H. Cushway & Co., from allotments on the Lac du Flambeau Reservation, were approved under the authority granted in 1892. Under the authority granted Justus S. Stearns in 1893 to purchase timber from the allottees on the Bad River Reservation one contract was approved. The logging operations on these reservations have been satisfactorily conducted.

On July 28, 1897, the President granted authority for the sale of

timber from allotments on the Red Cliff Reservation, and two contracts for the sale of timber to Frederick L. Gilbert, the authorized contractor for the Red Cliff Reservation, were approved January 12, 1900. The logging on this reservation has also been satisfactorily carried on.

**Menominee Reservation, Wis.**—August 12, 1899, the Department, on recommendation of this office, granted authority for the agent of the Green Bay Agency, Wis., to employ Menominee Indians to carry on logging operations on their reservation for the season of 1899–1900, under the provisions of the act of June 12, 1890 (26 Stats., 146). They were to cut and bank on the rivers and tributaries of the reservation 15,000,000 feet of pine timber, or so much thereof as might be practicable, under the rules and regulations that governed similar operations the previous year.

Under this authority and under the direction of the agent they cut and banked 13,239,400 feet of logs on the Wolf River and tributaries and 1,760,600 feet of logs on the Oconto River, and on February 8, 1900, the agent was authorized to advertise the logs for sale. March 15 he submitted an abstract of bids received, and March 21 they were submitted to the Department with the recommendation that the bid of S. W. Hollister, of Oshkosh, Wis., for all the logs offered, 15,000,000 feet, at \$16.25 per thousand, be accepted. The Department March 23 accepted that bid. This price, \$16.25 per thousand feet, is an increase of \$1.17 per thousand feet over the average price for the season of 1898–99.

November 20, 1899, the agent transmitted an authority of the chiefs and headmen of the Menominee tribe for entering into an agreement with the owner of the fee of NW.  $\frac{1}{4}$  of NE.  $\frac{1}{4}$ , NE.  $\frac{1}{4}$  of NW.  $\frac{1}{4}$ , SE.  $\frac{1}{4}$  of NW.  $\frac{1}{4}$ , NE.  $\frac{1}{4}$  of SW.  $\frac{1}{4}$ , NW.  $\frac{1}{4}$  of SW.  $\frac{1}{4}$ , SW.  $\frac{1}{4}$  of SW.  $\frac{1}{4}$ , SE.  $\frac{1}{4}$  of SW.  $\frac{1}{4}$ , SW.  $\frac{1}{4}$  of SE.  $\frac{1}{4}$ , SE.  $\frac{1}{4}$  of SE.  $\frac{1}{4}$ , to remove therefrom a quantity of valuable pine timber, estimated at 1,200,000 feet, provided that the price to be paid for the cutting, hauling, and banking of the timber should not be less than \$5.50 per thousand feet. He recommended the approval of such an agreement, as it would unquestionably be profitable to the Indians, and for the further reason that all of the pine timber on adjoining lands had been cut, and the timber on this section was badly exposed to fire. The fee to the above-described lands was claimed by Hollister, Amos & Co., of Oshkosh, Wis., having been purchased by that company from the State of Wisconsin.

December 9, 1899, Mr. E. G. Mullen, the agent of Hollister, Amos & Co., submitted a proposition for the cutting, hauling, and banking of the timber. February 14, 1900, the Department accepted that proposition and authorized this office to enter into an agreement with the owner of the lands for the removal of the estimated 1,200,000 feet of pine timber, provided as follows: That the price to be paid for the

cutting, hauling, and banking of the timber be not less than \$5.50 per thousand feet; that the logs be banked on the south branch of the Oconto River; that all of the labor of cutting, hauling, and banking the timber be done by contract with the Menominee Indians under the rules and regulations in force on their reservation, and that on the delivery of the timber to the owners of the fee they should convey to the United States for the benefit of the Menominee Indians all of their right, title, and interest in and to the said lands. February 14, Hollister, Amos & Co. filed a \$15,000 bond and entered into a contract with the Commissioner of Indian Affairs, which was approved by the Department February 26. Authority was also granted to add to the existing rules for the cutting of timber on the Menominee Reservation such other rules as might be necessary to meet the requirements of the contract and of the service. The terms of the contract were fully carried out, and the sum of \$9,687.70 was paid by Hollister, Amos & Co. to the United States Indian agent for the cutting, hauling, and banking of the timber.

## INDIAN LANDS SET APART TO MISSIONARY SOCIETIES AND CHURCHES.

Tracts of reservation lands set apart during the past year for the use of societies and churches carrying on educational and missionary work among the Indians are as follows:

TABLE 19.—*Lands set apart on Indian reservations for the use of religious societies from August 31, 1899, to August 31, 1900.*

Church or society.	Date.	Acres.	Reservation.
Roman Catholic Church .....	Oct. 12, 1899	140	Rosebud, S. Dak.
Protestant Episcopal Church.....	Dec. 5, 1899	40	Do.
Domestic and Foreign Missionary Society of the Protestant Episcopal Church.....	Feb. 5, 1900	160	Fort Hall, Idaho.
Mission to the Navaho Indians .....	Feb. 7, 1900	160	Hopi, Ariz.
Roman Catholic Church .....	Feb. 16, 1900	80	Rosebud, S. Dak.
Do. ....	do	40	Do.
Domestic and Foreign Missionary Society.....	Mar. 3, 1900	40	Standing Rock, S. Dak.
Mennonite Church .....	Mar. 24, 1900	48	Cheyenne and Arapaho, Okla.
Indian Presbyterian Church .....	do	160	Fort Hall, Idaho.
Women's National Indian Association .....	do	2.89	Navaho, Ariz.
Christian Reformed Church of America.....	do	5.50	Do.
Board of Home Missions of Presbyterian Church.....	Apr. 6, 1900	39	Fort Peck, Mont.
American Missionary Association.....	Apr. 19, 1900	140	Ponca, Nebr.
Roman Catholic Church .....	May 7, 1900	2.69	Fort Peck, Mont.
Massachusetts Indian Association.....	June 5, 1900	2	Walapai School, Ariz.

<sup>1</sup> In lieu of 40 acres set aside November 4, 1897, to said church.

<sup>2</sup> Set aside in 1890 to Connecticut Indian Association and surrendered in favor of Domestic and Foreign Missionary Society.

<sup>3</sup> In lieu of 160 acres patented in 1891 to American Missionary Association.

## SALE OF INDIAN LANDS.

Peoria and Miami lands, Indian Territory.—The last annual report of this office reported the approval by the Department, up to August 31, 1899, under the act of June 7, 1897 (30 Stats., p. 72), of 56 conveyances

by the Peoria Indians, amounting to 4,547.18 acres, at a valuation of \$43,568.90, or \$9.58 per acre; also 25 conveyances by the Miami Indians, amounting to 2,097.80 acres, at a valuation of \$19,432, or \$9.26 per acre.

Between August 31, 1899, and August 1, 1900, there have been approved by the Department 12 conveyances by the Peoria Indians, amounting to 748.10 acres, at a valuation of \$6,825, an average of \$9.12 per acre, and 6 conveyances by the Miami Indians, amounting to 340 acres, at a valuation of \$5,540.50, an average of \$16.29 per acre.

The total sales of lands by these two tribes of Indians since the passage of the act of June 7, 1897, are 68 conveyances by the Peorias, amounting to 5,295.28 acres, at a valuation of \$50,393.90, or \$9.51 per acre, and 31 conveyances by the Miamis, amounting to 2,437.80 acres, at a valuation of \$24,972.50, or \$10.24 per acre, making 99 conveyances by both tribes, aggregating 7,733.08 acres of land, at a valuation of \$75,366.40, an average of \$9.74 per acre.

**Citizen Potawatomi and Absentee Shawnee lands, Oklahoma.**—The last annual report of this office reported the approval by the Department, up to August 31, 1899, under the act of August 15, 1894 (28 Stats., p. 295), of 509 conveyances of land by the Citizen Potawatomi and Absentee Shawnee Indians, amounting to 52,915.36 acres of land, at a valuation of \$294,802.11, an average of \$5.57 per acre.

Between August 31, 1899, and August 31, 1900, there have been approved 70 conveyances of land by the Citizen Potawatomi Indians, amounting to 7,107.31 acres of land, at a valuation of \$32,744.32, an average of \$4.61 per acre; also 21 conveyances of land by the Absentee Shawnee Indians, amounting to 1,743.93 acres of land, at a valuation of \$12,290, an average of \$7.04 per acre.

The total sales of land by these two tribes of Indians since the passage of the act of August 15, 1894, are 600, aggregating 61,766.60 acres of land, at a valuation of \$339,836.43, an average of \$5.50 per acre.

The last Congress, by the seventh section of the Indian appropriation act, enacted into law the suggestions made in the last annual report, viz: It allows Citizen Potawatomi and Absentee Shawnee Indians who held allotments under the act of May 23, 1872 (17 Stats., p. 159), or their heirs, and those holding such allotments by approved deeds, or their heirs, to sell the same to any person, with the provision that the deeds of conveyance shall be approved by the Secretary of the Interior instead of, as formerly, by the President.

Congress also extended the provisions of the act of August 15, 1894 (28 Stats., p. 295), so as to permit the adult heirs of a deceased allottee of the Citizen Potawatomi or Absentee Shawnee Indians to sell and convey the land inherited from such decedent; and when there were both adult and minor owners of such inherited lands, then the minors might join in the sale thereof by a guardian, duly appointed by the proper

court, upon an order of the court made upon petition filed by such guardian, all such conveyances to be subject to the approval of the Secretary of the Interior. Where all the heirs of such decedent are minors, no authority is given to them by this act to sell their inherited land.

**Lands inherited from allottees.**—As construed by parties in Indian Territory, the restriction placed in the patents for allotted lands (under the general allotment act of 1887, as amended by the act of 1891), which made the allotment inalienable for twenty-five years, does not apply to the heirs of allottees, but only to allottees, and does not attach to the land. Wherever they could induce Indian heirs to sell their inherited lands they have purchased from them, and have defied the Department in the transaction, claiming that an approval of the deed by the Secretary of the Interior is not essential to pass a valid title to the land.

It is to be regretted that these parties have secured the action of the courts in support of this construction of the law by having the Indian execute a deed for the land, while the purchaser pays a small portion of the purchase money and gives a thirty days' note for the remainder, and at maturity he refuses to pay the note, so that the Indian may bring suit upon it in the proper court. When judgment thereon is obtained the judgment is promptly paid, and at the same time a quasi judicial determination of the issue involved has been secured. So far has this practice been carried that the courts have allowed purchasers of lands from Quapaw Indians to come into court by similar process, and have decreed that the Quapaw Indians have a perfect right to sell their lands and that the deeds executed by them pass a clear, valid title to the land, notwithstanding the stipulation placed in the patent that the land embraced therein shall be inalienable for the period of twenty-five years.

Late legislation has corrected this irregularity so far as it relates to conveyances of inherited land by Citizen Potawatomi, Absentee Shawnee, Peoria, or Miami Indians. A copy of that law may be found in this report under "Indian legislation," page .

### LEASING OF INDIAN LANDS.

The Indian appropriation act for the fiscal year ended June 30, 1898 (30 Stats., 62), limits the term for which allotted lands may be leased for farming and grazing purposes to three years and for mining and business purposes to five years. The act approved May 31, 1900, however, increases to five years the term for which such lands may be leased for farming purposes only, except unimproved allotted lands on the Yakima Reservation, in the State of Washington, which may be leased for agricultural purposes for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.



## ALLOTTED LANDS.

Since the date of the last annual report the following leases of allotted lands have been approved:

**Cheyenne and Arapaho Agency, Okla.**—Six hundred and thirty-one farming and grazing leases and one business lease. The length of term is generally three years. The consideration paid the allottees at this agency ranges from 12½ cents per acre per annum for grazing lands to 81 cents for farming lands. The business lease covers 40 acres and is for the term of three years. The consideration is \$75 per annum.

**Colville Agency, Wash.**—Seven farming and grazing leases. The terms are from one to three years. The consideration ranges from 43 cents per acre per annum to \$3.12.

**Crow Creek Agency, S. Dak.**—Six grazing leases for the term of one year. The consideration is 10 cents per acre per annum.

**Green Bay Agency, Wis.**—Thirteen farming and grazing leases. The term is three years. The consideration ranges from 50 cents to \$2 per acre per annum. These leases were mentioned in the last annual report as being executed, but as yet awaiting action.

**Nez Percé Agency, Idaho.**—One hundred and twenty-two farming and grazing leases and seven business leases. The terms are from one to three years for farming and grazing leases and one to five years for business leases. The consideration for farming and grazing leases ranges from 37½ cents per acre per annum to \$4.44. The business leases cover a fractional part of an acre each. The consideration ranges from \$42 to \$600 per annum.

**Omaha and Winnebago Agency, Nebr.**—Five hundred and forty-three farming and grazing leases on the Omaha Reservation and 328 on the Winnebago Reservation. The terms are from one to three years. The consideration ranges from 25 cents per acre per annum for grazing lands to \$2.50 for farming lands. One lease on the Winnebago Reservation, for school purposes, has been approved. The term is five years. The consideration is \$5 per annum for 2 acres. One hundred and thirty-five leases on the Omaha and 52 on the Winnebago Reservation are pending before the Department.

**Oneida Reservation, Wis.**—One farming lease. The term is one year. The consideration is \$120 for 40 acres. This tract is to be used for the purpose of teaching agriculture to the boys of the industrial school.

**Ponca, Pawnee, etc., Agency, Okla.**—One hundred and twenty-six farming and grazing leases and 3 business leases on the Ponca Reservation; 58 farming and grazing leases on the Pawnee Reservation; 29 farming and grazing leases on the Tonkawa Reservation, and 122 farming and grazing and 3 business leases on the Oto Reservation.

The farming and grazing leases are generally drawn for three years, but some are for one and two year periods. The consideration ranges from 20 cents per acre per annum for grazing lands to \$2.50 for farming lands. The price paid for business leases ranges from \$10 to \$15 per acre per annum. The term is five years. Four farming and grazing leases on the Ponca and 4 on the Tonkawa Reservation are pending before the Department; 143 leases on the Ponca and 21 on the Pawnee Reservation have been executed upon which no action has been taken.

**Potawatomi and Great Nemaha Agency, Kans.**—Eighty-four farming and grazing leases. The term is generally three years. The consideration ranges from 50 cents per acre per annum to \$3.

**Puyallup Reservation, Wash.**—Eleven farming and grazing leases. The term is generally two years. The consideration ranges from 40 cents per acre per annum to \$10.50.

**Round Valley Reservation, Cal.**—Thirteen farming and grazing leases. The term is from one to three years. The consideration ranges from \$1 to \$2 per acre per annum.

**Sauk and Fox Agency, Okla.**—Forty-five farming and grazing leases by the Sauk and Fox allottees, 25 by the Iowa, 25 by the Potawatomi, 47 by the Absentee Shawnee, and 8 by the Kickapoo; also one lease of 40 acres for business purposes on a Kickapoo allotment. The terms are from one to three years. The consideration ranges from 15 cents per acre per annum to \$3.25 per annum for farming and grazing leases and \$150 per annum for the business lease for the term of five years.

**Siletz Reservation, Oreg.**—Three farming and grazing leases. The term is three years. The consideration ranges from 30 cents per acre per annum to \$1.50.

**Sisseton Agency, S. Dak.**—Two hundred and thirty-eight farming and grazing leases. The term is three years. The consideration ranges from 14 cents per acre per annum to 87½ cents. Eighty leases are pending before the Department. Forty-eight leases have been executed upon which no action has been taken.

**Southern Ute Agency, Colo.**—One farming and grazing lease. The term is three years. The consideration is \$50 per annum for 120 acres.

**Umatilla Agency, Oreg.**—Nineteen farming and grazing leases. The terms are two and three years. The consideration ranges from \$1.25 per acre per annum to \$3.50; also two business leases for the term of five years, at a consideration of \$25 per annum for 5 acres.

**Yakima Agency, Wash.**—Forty-five farming and grazing leases. The term is five years. The consideration ranges from 50 cents per acre per annum to \$6.50.

**Yankton Agency, S. Dak.**—Twenty-eight farming and grazing leases. The terms are from one to three years. The consideration is 10 cents per acre per annum. Forty-six grazing leases are pending before the Department; 183 leases have been executed upon which no action has been taken.

**Improvements on leased lands.**—At a majority of the agencies some of the leases provide for the erection of certain improvements on the premises leased, such as fences, barns, etc., and for the breaking of new land. July 16 last, the Department suggested to this office that future leases of Indian allotments should provide for some specific improvements, such as clearing the land, the breaking of new land, the erection of fences, barns, and other necessary permanent improvements, the character and value of which should be specifically stated in the lease, with a provision for keeping the same in first-class condition and repair. The Department regarded these substantial benefits as much more essential to the interests of the allottee, and for the future good and value of his property, than the temporary or present good an all money payment for rent would do him.

Instructions to that effect have been sent to all agencies where allotted lands are being leased.

Since the above-mentioned date farming and grazing leases for three-year periods that have no provision therein for placing some substantial improvements on the lands or for breaking new lands, but are for a money consideration only, have been approved for the term of only two years. Grazing leases that are for a money consideration only have been approved for only one year, regardless of the term for which they were drawn.

#### UNALLOTTED OR TRIBAL LANDS.

Since the date of the last annual report the following leases of tribal lands have been approved:

**Kiowa, Comanche, and Apache Reservation, Okla.**—Ten grazing leases and one mining permit (for red sandstone only, at 75 cents per cord), described as follows:

TABLE 20.—*Leases on Kiowa, Comanche, and Apache reservations.*

Lessee.	Acres.	Term.	Annual rent.
		Years.	
Grazing leases:			
Chicago, Rock Island and Pacific Railway Co .....	1,280	1	\$128.00
Amos A. Hallowell .....	800	1	50.00
Nellie Jones .....	3,140	1	314.00
James Myers .....	5,000	3	400.00
Do .....	5,000	3	400.00
Poh a way .....	1,500	1	150.00
H. G. Williams .....	28,767	1	2,876.70
P. S. Witherspoon .....	10,000	1½	800.00
Florence J. Hall .....	18,866	1	1,886.60
Mining lease:			
John W. Light, for red sandstone only, at 75 cents per cord mined .....		1	.....

**Wichita Reservation, Okla.**—Twenty-one grazing leases, each for the term of three years from April 1, 1900, described as follows:

TABLE 21.—*Leases on Wichita Reservation.*

Lessee.	Acres.	Annual rent.	Lessee.	Acres.	Annual rent.
Reuben M. Bourland .....	45, 048	\$4, 504.80	Chas. H. Flato .....	20, 261	\$2, 532.63
Burrell B. Bridges .....	1, 362	136.20	Wm. B. Gray .....	5, 000	400.00
Rube W. Burrus .....	5, 000	506.00	Haley & Mowrer .....	2, 816	354.82
Lyon K. Bingham .....	17, 150	1, 715.00	Lucas & Blackburn .....	5, 000	400.00
Chas. H. Carswell .....	1, 438	143.80	Lucy J. Pruner .....	2, 500	312.50
Cox & Tuttle .....	54, 658	5, 465.80	Jay H. Stine .....	5, 000	580.00
Robert Curtis .....	4, 121	412.10	Thad Smith .....	10, 139	1, 018.90
Chas. B. Campbell .....	14, 554	1, 455.40	Wm. G. Williams .....	18, 577	1, 857.70
Dobie & McLeomore .....	70, 088	10, 513.10	Willis C. West .....	5, 189	518.90
Margaret L. Downing .....	1, 508	150.80	Walters & Longmire .....	4, 509	450.90
Chas. H. Flato .....	8, 700	870.00			

**Omaha and Winnebago Reservations, Nebr.**—Ten farming and grazing leases on the Omaha Reservation and sixty-eight on the Winnebago Reservation, each for the period of one year from March 1, 1900, described as follows:

TABLE 22.—*Leases on Omaha and Winnebago reservations.*

Lessee.	Acres.	Annual rent.	Lessee.	Acres.	Annual rent.
<b>OMAHA RESERVATION.</b>			<b>WINNEBAGO RESERVATION—continued.</b>		
Thos. R. Ashley .....	38.93	\$11.68	Jos. A. Lamere .....	40	\$22.00
Sam Baxter .....	24.36	17.10	Do .....	895.22	724.07
A. W. Craig .....	6.02	3.61	Jos. Lindstedt .....	40	104.00
Walter T. Diddock .....	460	150.00	Oliver Lamere .....	119.36	65.78
Frank Grant .....	12	6.00	Ashley Landrosh .....	160	181.20
Lewis P. Homan .....	7.06	7.08	Henry Lemon .....	80	104.00
A. G. Hurst .....	80	24.00	Do .....	411.84	366.96
Milton Levering .....	38.33	11.50	Jno. F. Myers .....	431.45	399.85
Stewart Walker .....	40	40.00	Tim. Murphy .....	160	64.00
E. B. Wilcox .....	320	114.00	Chas. C. Maryott .....	751.54	980.99
<b>WINNEBAGO RESERVATION.</b>			Timothy Murphy .....	80	24.00
John Ashford .....	40	15.60	S. E. Morgan .....	40	17.20
Do .....	110.73	57.99	A. M. Nixon .....	141.33	178.08
John Alam .....	20	6.00	Samuel Nixon .....	200	132.00
Jas. W. Boyd .....	250	226.90	T. J. O'Connor .....	268	117.92
Oscar Bring .....	160	217.60	Do .....	80	35.20
Garrison Bare .....	40	46.00	C. J. O'Connor .....	581.20	337.09
Harmon Barber .....	12.57	7.54	Do .....	1, 633.52	1, 014.76
Frank A. Beals .....	101.40	45.42	St. P. Owen .....	80	25.20
Davis & Waggoner .....	200	292.00	R. H. J. Osborn .....	120	96.80
Jos. Doorak .....	80	105.60	S. R. Reninger .....	552.34	196.08
Robt. Dingwall .....	40	30.00	Michael Regan .....	120	154.00
Gottfried Fuchser .....	440	264.00	S. E. Renando .....	120	152.00
Do .....	80	120.00	August Renando .....	120	162.00
Nick Fritz .....	1, 117.12	446.85	H. G. Stark .....	600	342.00
Jos. S. Farrrens .....	77.63	81.51	Oscar Stephenson .....	480	173.20
Wm. Forrest .....	81.69	98.37	Do .....	160	48.00
Jno. Frazier .....	27.01	59.71	E. J. Smith .....	440	302.40
C. C. Frum .....	80	40.00	E. E. Sandberg .....	80	144.00
Chas. Frenchman .....	80	44.00	J. W. Starkey .....	360	162.00
Gust. Grahm .....	40	102.00	Craig L. Spencer .....	513.50	192.26
Geo. Harris .....	80	160.00	Do .....	275.89	91.84
Robt. J. Hamill .....	40	48.00	T. L. Sloan .....	74.96	113.56
W. Holmquist .....	120	181.20	David St. Cyr .....	119.57	85.87
Chas. Houghton .....	20	10.00	Henry Twyford .....	111.92	117.51
Jno. Jordan .....	182.01	83.27	Frank Tebo .....	40	12.00
Do .....	240.25	135.59	Phil. Van Cleve .....	320	176.00
Jno. J. Kellogg .....	229.02	151.15	A. S. Wendell .....	1, 439.95	590.38
Frank Kubik .....	40	61.40	Jno. McKeegan .....	440	440.00
			Oscar Stephenson .....	140	84.00

**Osage Reservation, Okla.**—Forty farming and grazing leases, each for the period of one year (except lease of L. Appleby, for two years) from April 1, 1900, described as follows:

TABLE 23.—*Leases on Osage Reservation.*

Lessee.	Acres.	Annual rent.	Lessee.	Acres.	Annual Rent.
Ben F. Avant.....	1,600	\$160.00	Leahy & Mosier.....	10,321	\$108.21
E. L. Barber.....	2,000	200.00	Morphis & Price.....	4,000	400.00
Elizabeth Baylis.....	1,380	138.00	Prudom, Denoya & McGuire.	1,480	148.00
G. S. Chambers.....	1,420	142.00	R. H. Rowland.....	6,880	688.00
Geo. R. Carter.....	1,200	120.00	F. N. Revard.....	2,000	200.00
Jno. Collins.....	5,500	550.00	Alex. Revard.....	4,135	413.50
L. L. Denoya.....	9,390	939.00	S. J. Riddle.....	9,000	900.00
Jno. L. Ely.....	2,120	212.00	Louis Rogers.....	7,000	700.00
Do.....	8,290	829.00	J. C. Stribling, jr.....	9,500	950.00
Honea & Ferguson.....	4,500	450.00	D. C. Sager.....	2,500	250.00
J. H. Gilliland.....	2,681	268.10	S. J. Soldani.....	6,840	684.00
Virgil Herard.....	2,500	250.00	J. C. Stribling, jr.....	5,170	517.00
A. W. Hoots.....	970	97.00	C. N. Sloan.....	5,053	505.30
Eugene Hayes.....	4,000	400.00	Short & Brown.....	1,780	178.00
E. Hooper.....	5,000	500.00	Chas. M. Vadney.....	4,000	400.00
Chas. Jennings.....	3,137	313.70	N. O. Watkins.....	3,347	334.70
B. M. Kennedy.....	2,000	200.00	William W. Irons.....	8,000	800.00
Wm. Leahy.....	3,000	300.00	D. N. Wheeler.....	1,968	196.80
Wm. T. Leahy.....	3,000	300.00	L. Appleby.....	1,300	130.00
Do.....	5,790	579.00	L. Appleby (two years).....	1,000	100.00

**Crow Reservation, Mont.**—One grazing lease, for the period of five years from July 1, 1900, as follows: Samuel H. Hardin, 371,000 acres, annual rent \$7,420.

**Shoshoni Reservation, Wyo.**—Two grazing leases, for the period of four and one-half years from October 1, 1899, as follows: James Dickie, 283,000 acres, annual rent \$5,660; John E. Landis, 100,000 acres, annual rent \$2,000.

**Uinta and White River Ute Reservation, Utah.**—Three grazing leases, for the period of five years from April 1, 1900, as follows: Charles S. Carter, 280,000 acres, annual rent \$7,000; James W. Clyde, 320,000 acres, annual rent \$8,275; Murdock & Clyde, 100,000 acres, annual rent \$3,205.

**Ponca Reservation, Okla.**—Eight farming and grazing leases, each for the period of three years from April 1, 1900, described as follows:

TABLE 24.—*Leases on Ponca Reservation.*

Lessee.	Acres.	Annual rent.
Geo. H. Brett.....	8,800	\$1,881.00
Robt. M. Bressie.....	3,508	818.53
Jno. E. Carson.....	80	20.00
A. G. Denmark.....	4,067.11	813.42
Rush Elmore.....	400	112.00
Sylvester Fitch.....	160	48.00
Zack T. Miller.....	5,692	1,195.22
W. H. Vanselow.....	735	164.25

**San Carlos Reservation, Ariz.**—Four grazing permits, each for the period of one year from April 1, 1900, described as follows:

TABLE 25.—*Leases on San Carlos Reservation.*

Lessee.	Number of cattle.	Annual payment.
J. H. Hampson .....	5,000	\$2,500
Jno. W. Mattice .....	200	100
J. H. Porter .....	500	250
B. E. Parks .....	1,000	500

## TELEPHONE LINES ACROSS RESERVATIONS.

By act of Congress of June 6, 1900 (31 Stats., 658, and p. — of this report), the Seneca Telephone Company was authorized and empowered to construct and maintain telephone lines from Seneca, in the State of Missouri, to the Quapaw Agency, and to Wyandotte, Grand River, Fairland, Oseuma, Afton, and Vinita, in the Indian Territory, subject to the rules and regulations prescribed by the Secretary of the Interior, and to be approved by him, provided that cities and towns into or through which such telephone lines may be constructed shall have the power to regulate the manner of construction therein, and the company shall be subject to such municipal and Territorial taxation as may be provided for by law.

## RAILROADS ACROSS RESERVATIONS.

In the last annual report (page 63) the office spoke of the importance of the general right-of-way act approved March 2, 1899, which grants right of way for the construction of a railway, telegraph, and telephone line through any Indian reservation, or through lands held by any Indian tribes or nations in the Indian Territory, or through any lands reserved for an Indian agency, or for other purposes in connection with the Indian service, to any railroad company duly organized under the laws of the United States or of any State or Territory which shall comply with the provisions of the act and with such rules and regulations as may be prescribed thereunder (30 Stats., 990). The act provides that the right of way shall not exceed 50 feet in width on each side of the central line of the road, except where there may be heavy cuts and fills, in which case it shall not exceed 100 feet, and that companies may also acquire station grounds adjacent to the right of way not exceeding 100 feet in width by a length of 200 feet.

Under the provisions of this general act and subject to the regulations of the Department of April 18, 1899, authority has been granted, since the date of the last annual report, for railroad companies to locate and survey lines of road through Indian lands, as follows:

**Arkansas and Oklahoma Railroad Company.**—December 21, 1899, the Department accepted the proofs and papers in the application of the

above-named company and tacitly granted authority for it to locate and survey a line of road through a portion of the Cherokee Nation, commencing at the Missouri State line near Southwest City, Mo., in sec. 27, T. 25 N., R. 25 E., in the Cherokee Nation, and extending thence in a general westerly direction to and across Grand River, in sec. 24, T. 25 N., R. 25 E., a distance of 14.87 miles. The map of definite location of said line of route was also approved by the Department on the same date.

January 13, 1900, the Department designated Special United States Indian Agent Samuel L. Taggart, to make the appraisal of damages for right of way of said company through the Cherokee Nation, as shown by the company's approved map of definite location; and also to assess and determine the compensation that should be paid to the individual members of the Cherokee tribe for right of way through their personal holdings. April 21, 1900, the Department approved the assessment of tribal damages for right of way of the road through the Cherokee Nation as made by Special Agent Taggart, and also approved the assessment of damages in behalf of eight of the individual occupants with whom amicable settlement had been effected. May 9, 1900, the Department authorized the collection of a draft for \$919.54, the amount assessed as tribal damages. May 28, the Department accepted and approved receipts of twenty-four individual occupants showing settlement by the company for right of way through their lands.

May 29, 1900, the Department appointed Dew M. Wisdom, Robert B. Ross, and W. G. Nelms, a commission to assess damages for right of way through the lands of individual occupants with whom amicable settlement could not be effected under the negotiations by Special Agent Taggart. July 24, 1900, the board of referees submitted their report and findings in behalf of the Indian occupants. This report was submitted to the Department September 7, and September 10 the office was authorized to notify the parties in interest of their rights in the matter of appealing from the award and findings of the board of referees. The office was also authorized to collect the several amounts awarded and to pay the same to the allottees rightly entitled thereto in case an appeal was not taken. This notice was given to the interested parties on September 14.

**Arkansas Western Railroad Company.**—January 19, 1900, the Department tacitly granted authority for the above-named company to locate and survey a line of road from a point on the Kansas City, Pittsburg and Gulf Railroad near Heavener, Choctaw Nation, extending thence eastwardly to the west line of Arkansas, a distance of 9.848 miles. On the same date the Department approved the map of definite location of the company's line of road.

January 27, 1900, the Department designated Special Agent Samuel

L. Taggart to make the appraisement of damages for right of way of the company through the tribal lands, and also to act with and for the individual occupants of the Choctaw Nation in securing amicable settlements from the company for right of way through their personal holdings. March 28, 1900, the Department approved the schedule of appraisement of damages for right of way of the company through the Choctaw Nation as shown by its map of definite location. Special Agent Taggart's report shows that there were no lands of individual occupants crossed by the line of the road. The Department also authorized this office to call upon the company for the payment of tribal damages as assessed by Special Agent Taggart, amounting to \$492.40. July 30, 1900, the company tendered a draft for \$492.40, which was accepted by the Department August 14, and the office was authorized to collect the same and to pay the proceeds thereof to the Choctaw and Chickasaw Nations in the proportion of three-fourths to the Choctaws and one-fourth to the Chickasaws.

**Chicago, Burlington and Quincy Railroad Company.**—January 22, 1900, the Department waived the formal proof of incorporation of said company and the further requirements of the rules and regulations of this Department under rules 3 and 4 relative to the filing of a copy of the State or Territorial laws under which the company was organized, and directed that the company be permitted at once to file its map of definite location through the Crow Indian Reservation, in Montana, from Toulca, on the main line of the road, extending thence in a southerly and southwesterly direction to the north boundary of the State of Wyoming. March 27, 1900, the Department accepted the proofs and papers and approved the maps of definite location and plats of station grounds of the company in the Crow Reservation.

The Department on the same date designated and appointed John E. Edwards, United States Indian agent of the Crow Agency, to assess the tribal damages for right of way of the company through the tribal or unallotted lands of the Crow Indians, and also to act with and for the individual allottees in determining the damages that should be paid to each by reason of the construction of the road through his land. June 16, 1900, the Department approved the schedule of appraisement of damages as made by him. The assessment of tribal damages amounted to \$1,156.25. The assessment of individual damages amounted to \$3,861. July 2, 1900, the company submitted a draft for \$5,017.25 in payment of said damages. July 6, 1900, Agent Edwards was directed to collect the same and to deposit \$1,156.25 of the proceeds to the credit of the Crow tribe of Indians, and to pay the remaining \$3,861 to individual members of the Crow tribe rightly entitled thereto.

**Columbia Valley Railroad Company.**—December 21, 1899, the company submitted formal application for the location and survey of its road along the north bank of the Columbia River from a point opposite



the town of Wallula, Wash., extending thence in a general westerly direction to Vancouver, in Clark County, said State. Owing to an apparent conflict between the company and the Columbia Railway and Navigation Company for right of way practically along the same route, the Department, on September 7, 1900, declined to approve map of section No. 6, of the line of road through T. 2 N., Rs. 13, 14, and 15 E., in Klickitat County, Wash.

**Columbia and Klickitat Railway Company.**—March 31, 1900, the Department granted permission for this company to file its maps of definite location and to make a showing as to the purposes, intent, and ability of the company in the matter of constructing its proposed line of railroad across certain Indian allotments between Lyle and Goldendale, in the State of Washington, and to submit proofs of service of copies of the maps of definite location upon the individual Indians whose lands are crossed by the proposed line of road, without making a relocation or resurvey of said line. It appeared that the company had made a survey of its line of road across certain Indian allotments without the knowledge that it was necessary, under the rules of the Department, first to secure specific authority therefor. On September 4, 1900, the Department accepted the proofs of service and approved the map of definite location over and across the lands of certain Indians in Klickitat County, Wash., said line of road as represented on the map commencing at the town of Lyle and extending in a general northeasterly direction a distance of 20 miles. On the same date Frank M. Conser, supervisor of Indian schools, was designated to act with and for the Indians in negotiating amicable settlements with the company for right of way through their respective lands. September 10, 1900, the office duly instructed Mr. Conser in the matter of conducting said negotiations.

**Kiowa, Chickasha and Fort Smith Railway Company.**—September 15, 1899, the Department temporarily suspended the regulations of April 18, 1899, and granted authority for the above-named company to locate and survey a portion of its line of road from the town of Chickasha, Chickasaw Nation, in a southeasterly direction to a point at or near Pauls Valley, in said nation; thence in an easterly and northeasterly direction through the Indian Territory to the east boundary thereof at or near the town of Fort Smith, in the State of Arkansas. October 9, 1899, the company filed its formal application to make survey in accordance with the previous authority, and inclosed the necessary proofs and papers required by the regulations of the Department. October 17 the Department accepted these proofs and papers as a complete fulfillment of the conditions under which the original authority was granted the company to make a preliminary survey of its line of road. November 17, 1900, the company filed for approval maps of sections Nos. 1 and 2 of its line of road, commencing at a

point on the Chicago, Rock Island and Pacific Railway near Chickasha, in the Chickasaw Nation, and extending in a general southeasterly direction a distance of 40 miles; also four plats of station grounds along that portion of road. December 26, 1899, the Department approved said maps and plats subject to all the conditions, limitations, and provisions contained in the act of March 2, 1899, and subject also to all vested rights. June 22, 1900, the Department accepted and approved the relinquishment of said company to the United States and the Choctaw and Chickasaw nations of all its right, title, interest, and claim in and to the right of way of its projected line of railway in the Indian Territory between a point in sec. 27, T. 7 N., R. 7 W., Indian meridian, which is 1,222 feet north of the south line and 1,256 feet east of the west line of said section, and the west line of sec. 10, in T. 4 N., R. 4 W., of the Indian meridian, all in the Chickasaw Nation, as evidenced by certain maps of definite location theretofore approved by the Department.

**The Kansas Southwestern Railroad Company.**—October 14, 1899, the Department granted authority for said company to locate and survey a line of railroad through the Kansas and Osage Indian reservations, in Oklahoma, as provided in the company's charter, upon condition that if the proposed location be parallel to and within 10 miles of a railroad already constructed or in course of construction at the date of location, it must be shown to the satisfaction of the Secretary of the Interior, before the maps of definite location will be approved, that the public interests will be promoted by the construction of the road. No maps of definite location of the company's line of road have yet been submitted for approval.

**The Kansas Southeastern Railroad Company.**—December 27, 1899, the Department granted authority for the above-named company to locate and survey a line of railroad along the route mentioned in its charter, namely, commencing at or near Dawson, on the St. Louis and San Francisco Railway, in T. 20 N., R. 13 E., and extending thence in a southerly direction about 5 miles, and thence in a southeasterly direction to the Missouri, Kansas and Texas Railway near Wagoner, in the Indian Territory. No maps of definite location of the company's line of road have yet been submitted for approval.

**North Arkansas and Western Railroad Company.**—July 2, 1900, the Department granted authority for the above-named company to locate and survey a line of road, as mentioned in the company's application, commencing on the eastern line of the Indian Territory, in T. 13 N., R. 33 W., fifth principal meridian, and extending thence in a general westerly direction to a point on the Missouri, Kansas and Texas Railway between a point just north of Wagoner and a point just south of Muscogee, Ind. T. No maps of definite location of the company's line of road have yet been submitted for approval.

**Oklahoma, Okmulgee and Southern Railway Company.**—August 16, 1899, the above-named company submitted formal application for the location and survey of a line of railroad through lands in Oklahoma and the Indian Territory, from Arkansas City, in the State of Kansas, through Kay, Noble, and Pawnee counties and the Osage Indian Reservation, in Oklahoma, and thence through the Indian Territory to a point on the St. Louis and San Francisco Railway near Red Fork, in the Creek Nation, and extending thence in a southerly direction, by way of Twin Mounds and Okmulgee, in the Creek Nation, to McAlester, in the Choctaw Nation. September 6, 1899, the Department returned the application and all the papers inclosed unapproved, and directed this office to allow the company an opportunity to show cause why its said application should not be rejected because of a conflict with other located lines of railroad. The company was allowed thirty days to show cause why its application should not be rejected, and to serve upon the proper officers of the St. Louis, Oklahoma and Southern Railway Company its arguments and statements in behalf of the location and construction of its line of road. So far as known, no further action was taken by the company.

**Oklahoma City and Western Railway Company.**—October 21, 1899, the Department granted authority for the above-named company to locate and survey a line of railroad through Indian lands in Oklahoma and Indian Territories, commencing at or near the southwest corner of Oklahoma City, Okla., and extending thence in a southwesterly direction to South Canadian River; thence crossing said river about 14 miles southwest of Oklahoma City at or near what is commonly known as Rock Crossing; thence in a southwesterly direction by the most practicable route through the Chickasaw Nation, Indian Territory, crossing the Chicago, Rock Island and Pacific Railroad at Chickasha; continuing thence in a southwesterly direction by way of the Keechi Hills, in the Kiowa and Comanche Reservation; thence southwesterly to a point at or near Fort Sill; thence southerly and westerly near the foot of the Wichita Mountains to the North Fork of the Red River, crossing said river about 13 miles due east of Altus, in Greer County; thence by the way of Altus in a southwesterly direction through Greer County and crossing the Red River at a point about 12 miles northeast of Acme, Tex. January 10, 1900, the Department approved the maps of definite location of the company through the Kiowa and Comanche Reservation and through the Chickasaw Nation; also the general map showing the entire line of the company's road from Oklahoma City to Acme.

**Shawnee, Oklahoma and Missouri Coal and Railway Company.**—November 9, 1899, the Department granted authority for the above-named company to locate and survey a line of railroad, commencing at Shawnee, Okla., and extending thence in a northeasterly direction to the

west line of the Indian Territory, and on November 10 authority was granted for the company to locate and survey its line of road from the west line of Indian Territory, at or near the town of Keokuk Falls, Okla., and extending thence in a northeasterly direction through the Seminole, Creek, and Cherokee nations, in the Indian Territory, to the east line thereof, near the town of Seneca, Mo. June 2, 1900, the Department granted further authority for the location and survey of an extension of said company's line of road, commencing at a point on the main line at or near the township corner between Tps. 13 and 14 N., Rs. 15 and 16 E., in the Creek Nation, near the post-office of Lee, and extending thence in a southeasterly direction over and along the most feasible and practicable route to the city of Fort Smith, Ark.; such authority, however, being coupled with the express proviso that if the maps of definite location of said extension shall show that the line of road lies within 10 miles of an already constructed line, or a line in actual course of construction, the company will be required to show how the public interest will be promoted by the location and construction of its said extension before maps of definite location of the same will be approved. September 5, 1900, the Department accepted the proofs of service and approved the maps (in duplicate) of definite location of sections Nos. 1, 3, and 5, and also approved one part of each of the sectional maps of sections Nos. 2 and 4. The Department declined to approve the other parts of said sectional maps Nos. 2 and 4 because the certificates attached thereto were incorrect. These maps were returned to the company on September 8 for amendment and correction.

**Seattle-Tacoma Railway Company.**—November 8, 1899, the Department granted authority for said company to locate and survey a line of railroad across the Puyallup Indian Reservation, in the State of Washington, along the line of route mentioned in its application, namely, beginning at or near the northerly line of the Puyallup Indian Reservation, intersecting said line between secs. 31 and 32, T. 21 N., R. 4 E., Willamette meridian; extending thence in a general southerly direction to the subdivisional line between the NE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  and the SE.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of sec. 6, T. 21 N., R. 4 E., Willamette meridian; thence following the said subdivisional line westward to a point where the same intersects with the western boundary line of the Puyallup Indian Reservation in sec. 3, T. 20 N., R. 3 E., Willamette meridian. May 2, 1900, the Department accepted the proofs of service of copies of the map of definite location upon the Indian allottees of the Puyallup Reservation whose lands are crossed by the line of the road and approved the company's map of definite location of the line of road through the Puyallup Indian Reservation.

The Department on the same date designated Clinton A. Snowden, Puyallup commissioner, to assess the tribal damages for right of way of the company through the unallotted lands of the reservation,

and also to act with and for the individual allottees in negotiating amicable settlements with the company for right of way through the allotted tracts. Mr. Snowden's report of appraisement of damages has not yet been received.

**Wichita and Southern Railway Company.**—February 3, 1900, the Department granted authority for the above-named company to locate and survey a line of railroad commencing at a point on the south line of the State of Kansas at a point at or near 15 minutes west of the ninety-sixth degree of west longitude, and running thence by the most feasible and practicable route in a southerly direction to the south line of the Osage country; thence in a southerly and southeasterly direction through the Creek Nation, by or near Okmulgee, to or near McAlester or South McAlester, in the Choctaw Nation; thence in a southeasterly direction through the Choctaw Nation to a point on the southeasterly boundary thereof near Texarkana, Tex. No maps of definite location of the company's line of road have yet been submitted for approval.

**Gulf, Chickasaw and Kansas Railroad Company.**—August 21, 1900, the Acting Secretary granted authority for the above-named company to make a preliminary survey for a line of railroad through the Indian Territory, commencing on the south line of the State of Kansas, directly south of the town of Peru, in Chautauqua County, and running thence in a southerly direction through Oklahoma and the Indian Territory to a point on the north line of Grayson County, State of Texas; also to locate and survey a branch line running westerly from a point on the main line at or near Colgate to a point near Washita; also a branch line, according to an amended charter of said company, extending southeasterly from Woodville, in the Indian Territory, to the Red River.

**Eastern Railway Company of Minnesota (formerly the Duluth, Superior and Western Railway Company).**—September 12, 1900, the Department approved the map showing the definite location of a portion of the Stony Brook branch of the company's proposed line of railroad from a junction with the constructed line of road in lot 5, sec. 28, T. 51 N., R. 18 W., on the Fond du Lac Reservation, Minn., extending thence northeasterly to the middle of the channel of the St. Louis River on the northern line of lot 8 in said section 28, a distance of 0.82 miles. The Department also designated and appointed S. W. Campbell, United States Indian agent of the La Pointe Agency, to assess the tribal damages for right of way of the company through the unallotted lands, and also to act with and for the allottees in negotiating amicable settlements with the company for right of way through the allotted tracts. September 15 the company was advised of the action of the Department and Agent Campbell was given instructions for making the assessments.

**Minnesota and Manitoba Railroad Company (Special Legislation).**—By act of April 17, 1900 (31 Stats., 134, and p. — of this report), the above-named company was granted right of way for the construction of a railway, telegraph, and telephone line through the ceded lands of what was formerly the Red Lake Indian Reservation, commencing at a point at or near the terminus of the Manitoba and Southeastern Railway, on the boundary line between the State of Minnesota and the Province of Manitoba; thence in a southeasterly direction through townships 164, 163, 162, 161, and 160 to a point on Rainy River, forming the northeastern boundary of the State of Minnesota, at or near the mouth of Baudette River.

#### GRANTS REFERRED TO IN PREVIOUS ANNUAL REPORTS.

**Indian and Oklahoma Territories.**—*Arkansas Valley and Gulf Railroad Company.*—Mention is made in the last annual report of the granting of authority on March 7, 1899, for the above-named company to locate and survey a line of road through Oklahoma and the Indian Territory. On November 21, 1899, the company submitted a map of the preliminary survey of the line of road through the Kansas Indian Reservation, Oklahoma, a distance of about 22 miles. Certain defects appeared in the execution of the map and the same was returned to the company on December 5, 1899, the defects being pointed out. No further action has been taken.

*Eastern Oklahoma Railroad Company.*—November 15, 1899, the Department approved the maps of definite location of sections 1 and 2 of the company's line of road, commencing on the line of road of the Atchison, Topeka and Santa Fe Railway opposite the northern end of the passenger depot of the company at Guthrie, Okla., and extending in a general easterly direction a distance of 44.33 miles. The Department on the same date designated Special United States Indian Agent Taggart to assess the tribal damages for right of way through the unallotted lands of the Indians and also to act with and for the allottees in negotiating amicable settlements with the company for right of way through their lands. December 27, 1899, the Department approved the schedule of damages as assessed by Special Agent Taggart for right of way of the company through the allotted lands of the Sac and Fox and Iowa tribes. No tribal lands were crossed by the line of the road. The entire assessment through the lands of allottees was \$1,405.44. This amount was tendered by the company in settlement of said damages, and the Department on the same date authorized the payment of the same to the Indian allottees rightly entitled thereto.

January 27, 1900, the Department approved the maps of definite location of sections Nos. 1 and 2 of line No. 3 of the company's line of road from a connection with line No. 1 south of Cimarron River in the SW. ¼ of sec. 20, T. 18 N., R. 4 E., and extending in a general northerly and

northeasterly direction to a point on the subdivisional line between the NE.  $\frac{1}{4}$  and SE.  $\frac{1}{4}$  of sec. 32, T. 22 N., R. 5 E., a total distance of 34.71 miles; also one plat of station grounds located on the NE.  $\frac{1}{4}$  of sec. 31, T. 22 N., R. 5 E., on the allotment of Big Bear near the town of Pawnee, Okla. February 7, 1900, the Department designated Special Agent Taggart to act with and for the allottees of the former Pawnee Indian Reservation, Okla., in negotiating amicable settlements with the company for right of way through their respective allotments. March 26, 1900, the Department approved his schedule of appraisements, amounting to \$717.90. This amount was tendered by the company, and the Department, on the same date, authorized the distribution of the same to the Pawnee allottees rightly entitled thereto. May 2 Special Agent Taggart submitted a schedule of receipts showing the payment to the several allottees.

*Fort Smith and Western Railroad Company.*—The above-named company, by act of Congress approved March 3, 1899 (30 Stats., 1368), was granted right of way for the construction of a railway, telegraph, and telephone line through the Choctaw and Creek Nations. By act approved May 24, 1900 (31 Stats., 182, and p. — of this report), section 8 of the above act granting the company right of way was so amended as to permit the company to commence the construction of its road upon the filing and approval of its maps of definite location from Fort Smith, Ark., to a crossing of the Missouri, Kansas and Texas Railroad. June 8, 1900, the Department approved the company's maps of definite location from a point on the eastern boundary of the Choctaw Nation, near Fort Smith, Ark., extending thence in a general westerly direction to a crossing of the Missouri, Kansas and Texas Railroad, in the eastern part of sec. 14, T. 7 N., R. 35 E., I. M., a distance of 80.49 miles. June 14 the Department designated Special Agent Elisha B. Reynolds to act with and for the individual occupants of land in the Choctaw Nation in negotiating amicable settlements with the company for right of way through their individual holdings. July 16, 1900, Special Agent Reynolds was relieved from further duty in connection with making these appraisements and was directed to turn over all maps, papers, and letters of instruction to Agent Shoenfelt, of the Union Agency, Ind. T., and the latter was instructed, either in person or by some competent and trustworthy employee, to continue the work of negotiating with the company for right of way through the lands of the Indians.

*Gulf and Northern Railroad Company.*—The last annual report, at page 63, speaks of the granting of authority for the above-named company to make a preliminary survey for the location of its road through the Osage, Ponca, and Oto and Missouri reservations in Oklahoma, and also through the lands of the Five Civilized Tribes in the Indian Territory. September 30, 1899, the company filed for

approval a map of definite location of its line of road from a point on the Arkansas River, in sec. 36, T. 25 N., R. 3 E., I. M., and extending in a southeasterly direction crossing the southwestern portion of the Osage Reservation, a distance of 13.76 miles. A number of errors occurred in the execution of the map, and on October 12, 1899, it was returned to the company for amendment and correction, the defects being specifically pointed out. The map has not yet been refiled for approval.

*Choctaw, Oklahoma and Gulf Railroad Company.*—September 28, 1899, the Department approved a plat showing the definite location of station grounds along the line of the company's road in the Choctaw Nation, designated "Howe," from survey station 316 + 28 to station 346 + 28; also the plat showing the definite location of station grounds along the line of the road in the Choctaw Nation, designated "Monroe," from survey station 360 to station 390. The plat designated "Howe" was approved in lieu of and as a substitute for the station grounds theretofore designated "Choctaw Junction," the plat of which was approved by the Department on February 24, 1898, and said plat was canceled and annulled.

October 9, 1899, the Department accepted audit voucher No. 408 of the company for \$112.50, tendered in payment of the annual tax of \$15 per mile for 11.17 miles of the road from Howe to the east line of the Indian Territory, for the fiscal year ending June 30, 1899, and also the full annual tax at the rate of \$15 per mile for 6.57 miles of road from Wister to Howe, in the Choctaw Nation, for the like period. October 10, 1899, the Department accepted voucher No. 26 of the company for \$32 and voucher No. 27 for \$55. Voucher No. 26 was tendered as additional payment for 0.61 mile of road, commencing on the main line at or near Hartshorn and extending to Gowen or Shaft No. 3, the total mileage of that branch line being 3.67 miles. Voucher No. 27 was tendered in payment of the annual tax at the rate of \$15 per mile on that branch line for the total mileage of 3.67 miles for the fiscal year ending June 30, 1899.

February 17, 1900, the Department approved the map of definite location of the branch or spur line of the company's road from survey station 255 + 92 on the main line, near Howe, in the Choctaw Nation, extending in a southeasterly direction to the mines of the Mexican Gulf and Transportation Company in the NW.  $\frac{1}{4}$  of sec. 2, T. 5 N., R. 25 E., a distance of 0.92 miles. March 26, 1900, the Department approved the map of definite location of the company's branch line of road from survey station 1620 + 80 on the main line, near Wilberton, Choctaw Nation, extending thence in a northwesterly direction through sections 8, 7, and 6, in T. 5 N., R. 18 E., a distance of 3.08 miles. June 21, 1900, the Department approved the map of definite location of the company's line of road through the Wichita Reservation west



from Bridgeport from survey station 1420+42.7 to station 2422+00, a distance of 18.9 miles; also plat of station grounds at Bridgeport from survey station 1349 to 1379 and plat of station grounds at Caddo, on said reservation, from survey station 1890 to 1920.

June 27, 1900, the Department accepted the company's voucher No. 2383, for \$154, and voucher No. 2384, for \$46, tendered in payment of right of way for the Wilberton Branch, a distance of 3.08 miles, and for the "Mexican Gulf Branch," a distance of 0.92 mile. July 10, 1900, the Department accepted the company's voucher No. 4, January, 1899, for \$890.50, tendered in payment of right of way for 17.80 miles of road through the Wichita Reservation, Okla.; also voucher No. 2950, May, 1900, for \$2,357.85, tendered in payment of the annual tax of the company's line of road through the Indian Territory, between Arkansas-Indian Territory State line and Oklahoma-Indian Territory State line. September 4, 1900, the Department accepted the company's vouchers Nos. 3877, 3878, and 3879, for \$52.62, \$16.14, and \$1.80, respectively, tendered in payment of the annual tax to June 30, 1900, upon the "Wilberton Branch" and "Mexican Gulf Branch" and as additional tax on the main line of the road.

*Chicago, Rock Island and Pacific Railway Company.*—July 15, 1899, the Department approved three sectional maps of 25 miles each of the second southwestern branch line of the company's road from a point in the NE.  $\frac{1}{4}$  of sec. 13, T. 13 N., R. 8 W., Indian meridian, on the main line of the road, to a point in the SW.  $\frac{1}{4}$  of sec. 8, T. 2 N., R. 31 W., Indian meridian, in the Kiowa and Comanche Reservation, Okla.

July 19, 1899, the Department approved the plat of additional station grounds desired by the company on the main line of the road near Chickasha, Ind. T., situated in the NW.  $\frac{1}{4}$  of sec. 34, T. 7 N., R. 7 W., of the Indian meridian, embracing 7.57 acres. As the governor of the Chickasaw Nation declined, on behalf of the nation, to accept the statutory amount of \$25 per acre for said additional station grounds, the company, on August 19, 1899, asked for the appointment of a board of referees to determine the tribal damages that should be paid the Chickasaw and Choctaw nations for said additional station grounds. March 28, 1900, the Department appointed Dew M. Wisdom, of Muscogee, Ind. T., Ed Burney, of Chickasha, Ind. T., and D. N. Robb, of Atoka, Ind. T., a commission to make the appraisal. June 25, 1900, the board reported, placing the damages at \$25 per acre, amounting in the aggregate to \$189.25. July 7 their report was accepted and approved by the Department. July 30 and 31, respectively, the governor of the Chickasaw Nation and the principal chief of the Choctaw Nation signified the willingness of their respective nations to accept the amount of the award of the board of referees. August 30 report of the matter was made to the Department, with which was submitted a draft for \$189.25, tendered by the company in payment of said damages. Sep-

tember 4 the Department accepted the draft and authorized this office to collect the same, and to pay the proceeds thereof to the Choctaw and Chickasaw nations.

November 25, 1899, the acting agent of the Kiowa Agency, Okla., submitted certain vouchers of the company showing that payment had been made by the company for right of way of its road through the lands of the individual occupants of the Kiowa and Wichita reservations whose lands were crossed by the first southwestern branch line of the company's road. March 9, 1900, the Department approved the map showing the definite location of the fourth 25-mile section of the first southwestern branch line of the road from a point in the NW.  $\frac{1}{4}$  of sec. 12, T. 6 N., R. 19 W., on the Kiowa and Comanche Reservation, to a point in the NE.  $\frac{1}{4}$  of sec. 24, T. 6 N., R. 23 W., in Greer County, Okla.

July 7, 1900, the company tendered a draft for \$1,712.50 in payment of right of way of the company, at the rate of \$50 per mile, for the remainder of the southwestern branch line of road through the Kiowa and Comanche Reservation, aggregating 34.25 miles. July 18 the Department accepted said draft and authorized this office to collect the same and to pay the proceeds thereof to the Kiowa, Comanche, and Apache Indians. July 12, 1900, the Department accepted the company's draft for \$2,438.89, tendered in payment of the annual tax for each mile of road constructed by the company through Indian lands for the fiscal year ending June 30, 1900.

August 29, 1900, the Department approved the plat of station grounds on the ninth 10-mile section of the company's southwestern branch line of road, situated in the SE.  $\frac{1}{4}$  of sec. 4, T. 6 N., R. 18 W. September 4, 1900, the Department approved the plat of station grounds filed on April 5, 1890, by the Chicago, Kansas and Nebraska Railway Company (the above-named company being the successor of said company), situated along the main line of the company's road in the E.  $\frac{1}{2}$  of sec. 28, T. 10 N., R. 7 W., Indian meridian, in the Indian Territory. September 6, 1900, the Department approved three plats of station grounds on the southwestern branch of the company's line of road through the Kiowa and Comanche Reservation, situated on the 7th, 8th, and 10th 10-mile sections of said branch line of road, in the NE.  $\frac{1}{4}$  of sec. 22, T. 7 N., R. 16 W., the SW.  $\frac{1}{4}$  of sec. 27 and the SE.  $\frac{1}{4}$  of sec. 28, T. 7 N., R. 17 W., and the SW.  $\frac{1}{4}$  of sec. 18, T. 6 N., R. 19 W., respectively.

*Denison and Washita Valley Railway Company.*—July 12, 1900, the Department accepted the company's draft for \$150, tendered in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

*Gulf, Colorado and Santa Fe Railroad Company.*—June 25, 1900, said company tendered audit voucher No. 14607, in the nature of a

draft on Hutchings, Sealy & Co., of Galveston, Tex., for \$1,500, in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

*Kansas and Arkansas Valley Railway Company.*—June 29, 1900, the company submitted a draft for \$2,444.55, which was tendered in payment of the annual tax of \$15 per mile for each mile of road constructed by the company through Indian lands for the fiscal year ending June 30, 1900.

*Kansas City, Pittsburg and Gulf Railroad Company (now Kansas City Southern Railway Company).*—May 24, 1900, the company tendered a draft for \$2,137.35 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

*Kansas, Oklahoma Central and Southwestern Railway Company.*—October 26, 1899, the Department declined to approve the company's map of section 1 of the main line of the road filed in lieu of a former map of said section which had theretofore been approved, and also declined to approve the company's maps of definite location of the southern branch line of sections Nos. 1 and 2, filed in lieu of former maps of said sections which had theretofore been approved. The Department declined to approve the maps on account of certain defects in their execution. July 19, 1900, the Department approved maps of definite location of sections 1 and 2 of the southern branch filed in lieu of maps of those sections which had theretofore been approved. The line of road as shown upon said sectional maps differed slightly from the line as shown upon the original maps. The company, however, relinquished to the United States and to the Cherokee Indians all of its rights, title, and interest in and to the former right of way acquired by it by reason of the approval of the first-mentioned maps of definite location. July 25, 1900, the company tendered drafts aggregating \$3,588.08 in payment for right of way of 57.79 miles of road and annual tax thereon up to June 30, 1900.

*Missouri, Kansas and Texas Railway Company.*—July 13, 1900, the Department declined to approve the map of additional station grounds desired by the company at Muscogee, in the Creek Nation, for reservoir and stock-yard purposes, the approval being asked for under the provisions of the act of Congress of July 25, 1866 (14 Stats., 236). The Department held that if the company desired to secure additional station grounds at said place application should be made under the provisions of the act of April 25, 1896 (29 Stats., 109). After a careful review of the above decision the Department, December 5, 1899, adhered to its former ruling.

March 17, 1900, the Department approved the map of definite location of the company's branch line of road known as the "Atoka Branch," commencing on the main line of the road near Atoka, in the Choctaw

Nation, and extending in a general northwesterly direction to a connection with the Denison and Washita Valley Railway in Sec. 14, T. 1 S., R. 10 E., a distance of about 10 miles. On the same date the Department designated Special United States Indian Agent Taggart to assess damages for right of way of the company through the tribal lands crossed by the line of the road and also to act with and for the individual members of the Choctaw Nation in negotiating amicable settlements with the company for right of way through their individual holdings:

May 5, 1900, the Department declined to approve four plats showing additional grounds desired by the company adjacent to its line of road in the Creek and Choctaw nations for reservoir purposes, designated "Liliaetta Reservoir Reserve," "Turkey Creek Reservoir Reserve," "McAlester Reservoir Reserve," and "Limestone Gap Reservoir Reserve," the approval of said plats having been asked for under the provisions of the act of Congress of July 25, 1866 (14 Stats., 236). As in the case of the application for additional station grounds at Muscogee for reservoir and stock-yard purposes, the Department held that if the company desired to secure additional grounds for railway purposes, application therefor must be made under the provisions of the act of Congress of April 25, 1896 (29 Stats., 109).

May 25, 1900, the Department approved the map of definite location of the Krebs and Edwards branches of the company's lines of road, the Krebs branch commencing at a point on the main line at McAlester station reserve in the Choctaw Nation, designated as survey station 25351+84.5, and extending in a general easterly and southeasterly direction, with numerous spurs and branches extending from the main branch line to the company's coal mines; and the Edwards branch, commencing at a point on the main line of the company's road a little south of the McAlester station reserve and extending in a general westerly and southwesterly direction a distance of 1.20 miles, both of said branches, with their spurs, aggregating a total distance of about 11.20 miles. The Secretary, on the same date, designated Special United States Indian Agent Taggart to appraise the damages for right of way of the company through the tribal lands and also to act with and for the individual allottees of the Choctaw Nation in negotiating amicable settlements with the company for right of way through their individual holdings.

June 18, 1900, the Department approved the schedule of appraisements for right of way of the Atoka branch as submitted by Special Agent Taggart. The total amount of the appraisalment for right of way and for station grounds at Lehigh was \$1,185.50. July 7, 1900, the company tendered a draft for \$1,185.50 in payment of the damages for said Atoka branch and Lehigh station grounds.

*Southern Kansas Railroad Company (leased to the Atchison, Topeka and Santa Fe Railway Company).*—June 29, 1900, the company submitted a voucher in the nature of a check, payable at the Mechanics National Bank of New York, for \$85.50, in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

*St. Louis and Oklahoma City Railroad Company.*—June 21, 1900, the St. Louis and San Francisco Railroad Company, lessee of the above-mentioned company, tendered a draft for \$558.75 in payment of the annual tax of \$15 per mile for each mile of road constructed through Indian lands for the fiscal year ending June 30, 1900.

*St. Louis, Oklahoma and Southern Railway Company.*—September 13, 1899, the Department approved a map in eight parts showing the preliminary survey for the definite location of the company's line of road from Sapulpa, in the Creek Nation, extending thence in a general southerly and southwesterly direction through the Creek, Seminole, and Chickasaw nations to Red River, near the town of Willis, a distance of 185.18 miles. April 13, 1900, the Department approved the maps of definite location of the first and second sections of 25 miles each of the company's line of road from its connection with the St. Louis and San Francisco Railroad, near Sapulpa, in the Creek Nation, extending thence in a general southerly and southwesterly direction a distance of 50 miles. These maps were approved in lieu of the maps of definite location of the first 50 miles of the line of road which were approved on September 13, 1899. April 25, 1900, the Department designated Special United States Indian Agent Taggart to act with and for the individual allottees of the Creek Nation in negotiating amicable settlements with the company for right of way through their individual holdings for the first 50 miles of the road.

May 24, 1900, the Department accepted the relinquishment by the company to the Creek Indians of all rights acquired or claimed by it under the original map of definite location of the first 50 miles of its line of road through the Creek Nation as approved September 13, 1899; and also accepted and approved the relinquishment of the company to the United States and to the Creek, Seminole, and Choctaw Indians of all rights acquired or claimed by it under the original map of its line of road through said nations, also approved September 13, 1899.

On the same date the Department approved the company's maps of definite location showing the entire line of the road through the Indian Territory from Sapulpa, in the Creek Nation, extending in a general southerly and southwesterly direction through the Creek, Seminole, and Chickasaw nations, to a point on Red River at or near the crossing of the same by the Missouri, Kansas and Texas Railroad. These maps of definite location were approved in lieu of the former maps of preliminary survey which were approved by the Department on September

13, 1899. May 29, 1900, the Department designated Special Agent Taggart to conduct negotiations with the company for right of way through the individual holdings of the Indians of said nations for the entire line of the road. July 5, 1900, the Department accepted a draft for \$4,638.50, tendered by the company as payment in full for right of way through the Creek Nation, covering a distance of 92.77 miles.

*St. Louis, Tecumseh and Lexington Railway Company.*—Reference is made in the last annual report to the fact that on March 9, 1899, the Department granted authority for the above-named company to locate and survey its line of railroad over and across Indian lands and reservations lying between the St. Louis and San Francisco Railway at or near the town of Stroud, in Oklahoma, and extending thence in a southwesterly direction, by way of Tecumseh, to the town of Lexington, Okla. Such authority was granted, with the express provision that formal application for the location and survey of the road would thereafter be made and that the proofs and papers required by the regulations of the Department would thereafter be submitted for approval. December 5, 1899, the Department accepted the proofs and papers submitted by the company as a full compliance with Department regulations and as a fulfillment of the conditions under which the original authority was granted the company to make a survey of its line of road.

*Shawnee, Oklahoma and Indian Territory Railway Company.*—In addition to the authority previously granted the above-named company for the location and survey of a line of road as mentioned in the last annual report (p. 64), on September 22 the Department granted authority for the location and survey of a line of road commencing at the termination of the line, for which authority had already been granted, at or near Stroud, in Lincoln County, Okla., and extending thence by the most feasible and practicable route in a northerly and northwesterly direction through Lincoln, Payne, and Pawnee counties and the Osage and Kaw Indian reservations to the southern boundary of Kansas. No maps of definite location of the line of road have yet been submitted for approval.

*Tecumseh and Shawnee Railroad Company.*—For data respecting the granting of authority for said company to locate and survey a line of railroad through Indian lands in Oklahoma, see annual report of this office for 1899, page 64. No maps of definite location of the line of road have yet been submitted for approval.

*Nez Percé Indian lands.*—*Clearwater Valley Railroad Company.*—July 31, 1899, the Department approved four maps showing the definite location of the line of road of the above-named company through the former Nez Percé Indian Reservation and one plat of station grounds along the line of the road situated in lot 5 and the SW.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$  of sec. 3, T. 36 N., R. 1 W., Boise meridian. March 17,

1900, the Department approved the schedule of damages for right of way of the company as assessed by Inspector Beede through the allotments of thirty-five allottees. The total amount of the award to the allottees was \$3,848.65. This amount was tendered by the company, and on the date of the approval of the schedule was accepted by the Department as payment in full. Inspector Beede's report also showed that seventeen allottees refused to consent to the awards made in their behalf. Upon the recommendation of this office the Attorney-General has directed the United States district attorney for Idaho to bring suits in the proper courts of that State for the settlement of damages in behalf of the dissenting allottees.

*Clearwater Short Line Railway Company.*—July 31, 1899, the Department approved the map of definite location of the company through the former Nez Percé Indian Reservation, Idaho, from mile 62.819 at a point in the south line of sec. 20, T. 32 N., R. 4 E., Boise meridian, to the southeastern boundary of the reservation, at mile 76.14. October 7, 1899, the Department approved a plat of station grounds along the Lapwai branch of the company's road in secs. 14 and 23, T. 35 N., R. 4 W., Boise meridian. November 20, 1899, the Department accepted the relinquishment of the company to the original right of way shown upon the map of definite location between mile 58.578 and mile 61.801 eastward from the mouth of Big Potlatch Creek, and approved the amended map showing the relocation of the company's line of road between said points. The map was approved as follows:

Approved in lieu of and as a substitute for that portion of the line of road between mile 58.578 and mile 61.801 eastward from the mouth of Big Potlatch Creek, which original map of definite location was approved June 9, 1899, said amended location being approved only so far as the line of road shown herein lies on and within Indian lands, subject to all the requirements and limitations contained in the act of Congress approved March 1, 1899 (30 Stats., 918), and subject also to all valid existing rights.

January 19, 1900, the Department approved the plat showing the definite location of station grounds selected by the company in Indian allotment No. 1833, in sec. 35, T. 37 N., R. 2 W., Boise meridian, located on the 10-mile section between the seventh and seventeenth mileposts; also the plat showing the definite location of station grounds desired by the company upon the Lapwai branch in Indian allotments Nos. 674 and 679, in secs. 14 and 15, T. 35 N., R. 3 W., Boise meridian, located on the 10-mile section between the tenth and twentieth mileposts of said branch line.

March 6, 1900, the Department referred to this office an opinion of the Assistant Attorney-General for the Department, dated March 3, 1900, in which the Department concurred, wherein it was held that the company may erect or permit others to erect upon its right of way and depot grounds suitable structures or buildings, such as ware-

houses and elevators to facilitate the convenient receipt and delivery of freight, so long as the full exercise of the franchise granted is not interfered with and a free and safe passage is left for the carriage of freight and passengers.

March 31, 1900, the Department approved the plat showing the lands selected by the company for station purposes in the N.  $\frac{1}{4}$  of sec. 1, T. 33 N., R. 3 E., Boise meridian, said station grounds being located on the 10-mile section between the forty-second and fifty-second mileposts of the main line of the road. April 3, 1900, the Department approved the map of definite location of a portion of the Lapwai branch from mile 12 to mile 17.923. April 23, 1900, the Department approved the map of definite location of a portion of the Lapwai branch of the company's road from mile 17.923 to mile 28.651. June 6, 1900, the Department approved the plat showing the definite location of station grounds selected by the company upon the 10-mile section between the twenty-seventh and thirty-seventh mileposts located in secs. 6 and 7, T. 36 N., R. 2 E., Boise meridian; also the plat showing the definite location of station grounds selected by the company upon the 10-mile section between the seventeenth and twenty-seventh mileposts located in secs. 33 and 34, T. 37 N., R. 1 E., Boise meridian. June 19, 1900, the Department accepted the relinquishment of the company of all its right, title, and interest acquired by reason of the approval on July 31, 1899, of a certain map of definite location of its line of road from mile 62.819 to the southeastern boundary of the reservation at mile 76.14, and approved an amended and corrected map of definite location showing the company's line of road through that portion of the former Nez Percé Reservation from mile 62.819 to the southeastern boundary of the reservation, at mile 75.884, the line of definite location shown upon the latter map lying along the south fork of the Clearwater River and up Three Mile Creek to the south boundary line of the reservation. The Department canceled and annulled the first-mentioned map and approved the latter map in lieu thereof.

June 22, 1900, the Department approved the schedule of damages for right of way of the company through the allotments of 79 allottees and the lands of two institutions—the Presbyterian Church at Spalding and the Presbyterian Church at Kamiah—as assessed by Inspector Beede, the total amount of the assessment being \$14,068.95. The negotiations, however, represented by said schedule did not include the entire line of the road through the former Nez Perce Reservation, but covered only the main line from the mouth of Big Potlatch Creek to the end of construction up to May 29, 1900 (date of the report), and also only the first 12 miles of the Lapwai branch. This left the remainder of the main line and the remainder of the Lapwai branch to be covered by subsequent negotiations.

July 9, 1900, the company, through its local attorneys, submitted to the office a draft for \$14,068.95. July 13 this draft was indorsed



payable to the order of Agent Stranahan, of the Nez Percé Agency, and he was directed to collect the same and to pay the proceeds thereof to the Indian allottees rightly entitled thereto.

Inspector Beede's report also showed that there were 17 allottees with whom amicable settlement could not be effected. Upon the recommendation of this office, the Attorney-General directed the United States attorney for the district of Idaho to bring actions in the proper courts of Idaho for the settlement of damages in behalf of the dissenting allottees.

August 14, 1900. Agent Stranahan, who had been designated to conduct the further negotiations between the Indians and the company, requested that authority be granted him to prepare a supplemental schedule of damages in behalf of these allottees and to allow them to sign a schedule of awards in case satisfactory terms could now be agreed upon. He stated that in his judgment there was an inclination on the part of some of the dissenting allottees to treat with the company for right of way through the lands rather than to risk the results of a suit in the courts of Idaho for the determination of the damages. September 6, the Department granted such authority, and on September 10 the office fully instructed him.

**Southern Ute Indian Lands, Colorado.**—*Rio Grande, Pagosa and Northern Railway Company.*—August 3, 1899, Agent Knackstedt was directed to assess tribal damages, if any, for right of way of the company through the former Ute Indian Reservation, and also to act with and for the individual allottees in negotiating amicable settlements with the company for right of way through their respective allotments. January 15, 1900, the Department approved the schedule of appraisement of damages for right of way of the company through the lands of the Southern Ute allottees. The total amount of the assessment was \$375.76. The report showed that no tribal lands were crossed by the line of the road. Agent Knackstedt's report also showed that the company had already paid certain of the allottees \$150 as an advance payment for said right of way. January 29, 1900, the company submitted New York exchange for \$225.76 in payment of the remainder of the damages. February 6 this draft was indorsed, payable to the order of Agent Knackstedt, and he was directed to collect the same and to pay the proceeds to the allottees rightly entitled thereto. March 24 Agent Knackstedt submitted a schedule of receipts showing the payment of the amounts assessed to the allottees whose lands are crossed by the line of the road.

**Yankton Sioux Indian Lands, South Dakota.**—*Chicago, Milwaukee and St. Paul Railway Company.*—October 17, 1899, the Department approved the company's map of definite location of its line of road through the allotted lands of the Indians of the former Yankton Reservation, S. Dak. September 8, preceding the approval of the map, the Department designated Agent Harding of the Yankton Agency

to act with and for the allottees in negotiating amicable settlements with the company for right of way through their respective allotments. November 28, 1899, the Department approved the schedule of damages for right of way through the lands of the Indians as assessed by Agent Harding. The total amount of the assessment was \$1,720.86. December 1 the company tendered a draft in said amount as payment in full of the damages assessed. December 6 the draft was indorsed, payable to the order of Agent Harding, and he was directed to collect the same and to pay the proceeds to the allottees rightly entitled thereto. February 5, 1900, Agent Harding submitted a schedule of receipts showing the payment of damages to the allottees.

**Leech Lake Reservation, Minn.**—*Brainerd and Northern Minnesota Railway Company.*—October 10, 1899, the Department approved the schedule of appraisement of damages for right of way of the above-named company through the Leech Lake Reservation, Minn. The price per acre for both tribal and allotted lands was placed at \$7. The tribal damages amount to \$39.76. The total damages were \$241.90. October 14 the company was called upon to make payment of this amount to this office. The amount assessed in behalf of the individual Indians was paid direct to Acting Agent Mercer, of the Leech Lake Agency, and by him was distributed among the Indians entitled thereto. October 17, 1899, the company submitted a draft for \$39.76 in payment of the tribal damages. November 27 Acting Agent Mercer submitted a schedule of receipts showing the payment of damages to the individual Indians.

**Colville Reservation, Wash.**—*Washington Improvement and Development Company.*—Mention is made in the last annual report of the approval by the Department of three maps of definite location of the company's line of road through said reservation, commencing at the southerly end of Curlew Lake and extending in a general southerly direction to the Columbia River, near the mouth of Sans Poil River. November 27, 1899, the Department approved two maps of definite location showing the remainder of the line of the road through the Colville Reservation. The line of road as shown upon said maps commences at the southerly end of Curlew Lake and extends in a general northerly and northwesterly direction to the international boundary line between the United States and British Columbia, a distance of 30.98 miles. No action has been taken in the matter of settlement of damages for right of way of the company through the reservation.

### SEMINOLES IN FLORIDA.

Under the several annual appropriations for that purpose, the following lands have been purchased for the use of the Seminole Indians in Florida:

From the Plant Investment Company: Sec. 25, T. 47 S., R. 32 E.; secs. 23, 25, and 35, T. 48 S., R. 32 E., 2,560 acres, for \$1,600.

From Frank Q. Brown, trustee: Sec. 36, T. 48 S., R. 32 E.; secs. 12, 18, and 24, T. 48 S., R. 33 E.; secs. 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, 34, and 36, T. 48 S., R. 34 E., 10,240 acres, for \$5,760.

From the Disston Land Company: Secs. 7, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35, T. 48 S., R. 34 E., 8,341.72 acres, for \$4,267.52.

From the Florida Commercial Company: Sec. 32, T. 47 S., R. 33 E., 640 acres, for \$448.

From the Florida Southern Railroad Company: Secs. 24 and 26, T. 48 S., R. 32 E., 1,280 acres, for \$1,280.

A total of 23,061.72 acres, for \$13,355.52.

### THE CHAMBERLAIN FAMILY.

In my last annual report I referred to the matter of the removal of the Chamberlain family from the Cœur d'Alène Reservation, Idaho, and stated that they had returned thereto and instituted action in the United States court to determine their rights. The United States Indian agent of the Colville Agency, Wash., transmitted to this office on January 27, 1900, a certified copy of an amended complaint filed in the United States circuit court for the district of Idaho in the case of Bartholomew Chamberlain et al. against himself. The agent was directed, January 31, to give the amended petition his attention, in connection with the United States district attorney for Idaho, under instructions theretofore given relative to the case, taking any steps necessary to dismiss, demur, or plead to the amended bill; also to keep this office fully advised of any other action taken in the case.

April 27 the agent forwarded to this office copy of his answer to the amended complaint, and stated that the case would be tried during the May term of the United States court for the district of Idaho, which would convene at Moscow, Idaho, on May 14, 1900. The office has not been advised of the action taken upon the case at that term of the court.

### RATIFICATION OF FORT HALL AGREEMENT.

June 6, 1900 (31 Stats., 672), Congress ratified the agreement entered into with the Indians of the Fort Hall Reservation, Idaho, by the Crow, Flathead, etc., Commission, on February 5, 1898. By the terms of that agreement about 400,000 acres of land are ceded to the United States, in consideration for which the Indians are to receive \$600,000, of which \$75,000 is to be expended by the Secretary of the Interior in the erection of a modern school plant, and the balance is to be paid to them in ten annual installments—the first one to be \$100,000, the next eight \$50,000 each, and the last \$25,000. The first installment of \$100,000 is now being paid to the Indians, the agent being assisted in making the same by Special Agent Samuel L. Taggart.

Article 3 of the agreement provided that the Indians who reside on the lands ceded might remain thereon and receive allotments of the lands occupied and improved by them, or remove to the diminished reservation, as they might elect. Section 4 of the act ratifying the agreement provides that before any of the lands ceded shall be thrown open to settlement the Commissioner of Indian Affairs shall cause allotments to be made to the Indians who may desire them. Where Indians prefer to remove within the limits of the reduced reservation, it provides that the Commissioner of Indian Affairs shall cause a schedule of the lands abandoned to be prepared, giving a description of the improvements and the names of the Indian occupants, and before any entry shall be allowed of the lands so scheduled the Secretary of the Interior shall cause the improvements thereon to be appraised and sold to the highest bidder, no sale to be for less than the appraised value. The purchaser of such improvements is to have a preference right of thirty days within which to make an entry of the lands upon which the improvements purchased are located.

The work of making the allotments has been assigned to the United States Indian agent for the Fort Hall Agency, A. F. Caldwell, and he is now engaged in making them in compliance with instructions dated July 11, 1900, and August 15, 1900. United States Indian Inspector W. J. McConnell has been detailed to make the appraisement of the improvements on the ceded lands of the Indians who elect to remove to the diminished reservation.

## INDIAN TERRITORY UNDER THE CURTIS ACT AND SUBSEQUENT LEGISLATION.

In my annual reports for the years 1898 and 1899, the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), "For the protection of the people of the Indian Territory, and for other purposes," generally known as "the Curtis Act," were fully discussed.

Section 27 of the Curtis Act is as follows:

That the Secretary of the Interior is authorized to locate one Indian inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law, relating to affairs therein.

Acting under this authority, the Secretary of the Interior, August 17, 1898, assigned United States Indian Inspector J. George Wright to the Indian Territory, who reports to the Department through this office on matters coming within his jurisdiction.

The following table gives the population, number of acres, and number of acres per capita of the several nations:

TABLE 26.—*Population, area of reservations, and number of acres per capita of Five Civilized Tribes in Indian Territory.*

Tribe or nation.	Population.	Number of acres of land.	Number of acres per capita.
<b>Cherokee:</b>			
Indians.....	30,000		
Freedmen.....	4,000		
Delawares.....	1,000		
Total Cherokee.....	35,000	5,031,351	144
<b>Creek:</b>			
Indians.....	10,000		
Freedmen.....	6,000		
Total Creek.....	16,000	3,040,000	190
<b>Choctaw:</b>			
Indians.....	16,000		
Freedmen.....	4,250		
Total Choctaw.....	20,250	6,688,000	330
<b>Chickasaw:</b>			
Indians.....	6,000		
Freedmen.....	4,500		
Total Chickasaw.....	10,500	4,650,985	443
<b>Seminole:</b>			
Indians.....	1,500		
Freedmen.....	1,500		
Total Seminole.....	3,000	365,854	122

As in last year's report, the discussion of affairs in the Indian Territory will be divided, for convenience, into three parts, the first being matters over which the United States Indian inspector for the Indian Territory and the United States Indian agent for the Union Agency have supervision, and this subject may properly be divided into four general subdivisions, to wit:

1. Educational matters.
2. Mineral leases.
3. Collection of revenues.
4. Timber.

The second division includes matters coming within the province of the Commission to the Five Civilized Tribes, and the third relates to the surveying, platting, appraising, and selling of town sites in the different nations, and is followed by some miscellaneous subjects.

#### EDUCATION.

The provisions of the nineteenth section of the Curtis act are as follows:

That no payment of any moneys on any account whatever shall hereafter be made by the United States to any of the tribal governments or to any officer thereof for disbursement, but payments of all sums to members of said tribes shall be made under direction of the Secretary of the Interior by an officer appointed by him. \* \* \*

It was construed as conferring authority upon the Secretary of the Interior to assume such charge of the several schools and orphan asylums as would insure better management and more economical administration of these institutions.

An agreement with the Seminole, approved July 1, 1899, contained this provision:

Five hundred thousand dollars of the funds belonging to the Seminoles, now held by the United States, shall be set apart as a permanent school fund for the education of children of the members of the said tribe, and shall be held by the United States at 5 per cent interest, or invested so as to produce such amount of interest, which shall be, after extinguishment of tribal government, applied by the Secretary of the Interior to the support of Mekasuky and Emahaka academies and the district school of the Seminole people, \* \* \*

By its terms this provision did not seem to contemplate present control by the Department of the schools.

The agreement with the Choctaw and Chickasaw nations, embodied in the Curtis law as section 29 thereof, contained these provisions:

It is agreed that all the coal and asphalt within the limits of the Choctaw and Chickasaw nations shall remain and be the common property of the members of the Choctaw and Chickasaw tribes (freedmen excepted), so that each and every member shall have an equal and undivided interest in the whole. \* \* \* The revenues from coal and asphalt, or so much as shall be necessary, shall be used for the education of the children of Indian blood of the members of said tribes. \* \* \*

All coal and asphalt mines in the two nations, whether now developed or hereafter to be developed, shall be operated and the royalties therefrom paid into the Treasury of the United States, and shall be drawn therefrom under such rules and regulations as shall be prescribed by the Secretary of the Interior.

This section conferred ample authority upon the Department to assume control of the schools in the Chickasaw and Choctaw nations wherever they should be supported out of the coal and asphalt royalties. The governor of the Choctaw Nation early expressed his desire that the Secretary should assume control of their schools, and the legislature of the nation, carrying out these wishes, made no appropriations for their support. Therefore immediate direction was undertaken through proper Federal machinery.

The Chickasaw Nation, however, made appropriations and attempted to conduct their own schools out of their own funds, which has resulted in lamentable financial embarrassment.

The national authorities of the Creek and Cherokee nations continued to make their own appropriations for the schools of the respective nations, and the Department has only assumed supervisory control of them.

During the fiscal year ending June 30, 1899, regulations concerning education in the Indian Territory were prepared, approved by the Department, and promulgated for the conduct of these schools. They provided for an executive head, known as the "superintendent of schools in Indian Territory," to which John D. Benedict, of Illinois,

was appointed. His reports are transmitted to this Bureau through the United States Indian inspector stationed in Indian Territory. Under his direction are four supervisors of schools for the several nations (with the exception of the Seminoles), as follows: Benjamin S. Coppock, of Oregon, for the Cherokee Nation; John M. Simpson, of Wisconsin, for the Chickasaw Nation; Calvin Ballard, of Illinois, for the Choctaw Nation, vice E. T. McArthur, transferred July 9, 1900, to the regular Indian service, and Miss Alice M. Robertson, of Indian Territory, for the Creek Nation, the last-named appointed July 23, 1900, vice Calvin Ballard. Headquarters for the several supervisors were established as follows: Vinita, Cherokee Nation; Muscogee, Creek Nation; South McAlester, Choctaw Nation, and Ardmore, Chickasaw Nation.

These nations early in their history were charged with their own government, and schools were established, and full corps of teachers and employees were appointed under the different laws of the respective nations. As set out in the last annual report of this Bureau, all branches of their public service were tainted with favoritism, nepotism, a reckless mismanagement of finances, and in many cases corruption was rampant. These flagrant breaches of good government were no more severely felt than in educational matters. The schools under the control of various missionary bodies were efficient agents of civilization; but in those entirely placed under tribal authority deterioration, if nothing worse, was everywhere felt. Possessing ample means for maintaining an adequate system of public schools in those places where the greatest need existed, the money was expended on large academies, seminaries, and colleges, where the ornamental curriculum of a white fashionable boarding school was given to the favored few, leaving the full bloods and poorer classes of mixed bloods to depend upon poorly equipped, miserable little schools, usually erected by subscriptions or donations. It is said that fully 90 per cent of these small neighborhood schoolhouses have no furniture except the old-fashioned wooden benches.

Owing to limited powers, the Department has been unable to make as radical changes as the conditions warranted, yet numberless improvements have been inaugurated. The superintendent of schools in his report says:

As a result of our past year's work we can already note some improvements. When we entered upon our duties here more than a year ago it was openly charged that various native school boards were selling teachers' positions at from \$10 to \$25 each. No such charges have been made during the past year. With but few exceptions the Indian school boards have cooperated with us heartily. Teachers are manifesting a livelier degree of interest in their work and are endeavoring to improve their qualifications. Some of the poorest teachers have been dropped, not having been able to pass reasonable examinations.

In his last annual report Superintendent Benedict called attention to the necessity and desire upon the part of a great majority of teachers for better normal training. They expressed themselves as anxious to become better prepared for instructing their pupils by the more modern methods adopted in white schools and in other Indian schools. The normal schools heretofore held by some of the superintendents, being little more than farces or sources of revenue for officials, fell so much into disrepute as to be valueless. This has been changed under the new order, and Superintendent Benedict says:

Several months ago I applied to the authorities at Washington for an appropriation with which to conduct summer normal schools for the teachers of the Territory, but owing to the uncertain condition of the numerous bills then pending in Congress relating to Territorial affairs we were unable to secure any financial aid. Knowing something of the great value of normals and institutes to the teachers and to the schools, and knowing that the teachers of the Territory were specially in need of some normal training, we determined to accomplish something along that line. After consultation with the school supervisors and some of the tribal school officials, it was agreed that such normals should be held during the month of June in the Cherokee, Creek, and Choctaw nations. These normals were held in the large academies and a fee of \$12 was collected from each teacher in attendance for board, room, and tuition for the term of four weeks. After paying actual cost of board the balance of the funds received was distributed among the instructors who were employed to conduct the recitations. The plan of boarding the teachers, of keeping them together in isolated academies for a month, was a new one, and it was not without some feelings of doubt and anxiety that we undertook this task. We succeeded, however, beyond our expectations. The teachers realized the need of improvement and were eager for the normals. Supervisors Coppock, Ballard, and McArthur spent the entire month of June in the normals of their respective nations and rendered valuable aid to the instructors who were employed during the term. Each of these supervisors taught some classes daily and were ever ready with valuable suggestions concerning school methods and management.

As educational conditions vary with the several tribes, there being no uniformity of laws, customs, or methods, the work among the different nations will be treated separately.

**Choctaw Nation.**—As the control of the schools of this nation has been assumed by the Department under its construction of the Curtis law, "Rules and regulations concerning education in Indian Territory" were directly applicable to this nation. These regulations provided for opening and maintaining the day schools, academies, and orphan asylums of the nation. As soon after the 1st of July, 1899, as possible necessary steps were taken for opening all schools. Teachers and other employees were provided and contracts made for the maintenance of the boarding schools. While the contract system of running the boarding schools and orphan asylums was open to many objections, yet for various reasons no change has been deemed advisable in the method.

The schools were promptly opened in the early portion of the school



year, when the first murmurs of discontent with the plan were heard. The Hon. Green McCurtin, principal chief of the nation, under date of October 27, 1899, in a letter to the Department, questioned the authority of the Secretary of the Interior in assuming control of their schools under the Curtis law. A resolution of similar tenor was also passed by the Choctaw Council. These actions were undoubtedly due to certain influential persons whose personal interests had been antagonized by the new regulations, especially those relating to appointments being made solely on merit. In a letter of April 6, 1899, addressed by Governor McCurtin to the inspector, he used the following language:

Mr. Benedict (superintendent) showed me recent rules prescribed by the Secretary of the Interior concerning the education and management of schools in the Choctaw Nation. He also gave the board of education a brief outline of his plans and policy regarding the school work in this section which were *satisfactory to me*.

The inspector conferred with the governor and a special committee of the council, and apparently reached a satisfactory conclusion, as the original plans of education have been followed during the year. In a special report of February 5, 1900, the superintendent of schools gave the following succinct account of the friction which had unavoidably arisen:

I was sent to the Territory about a year ago, and found that vast sums were being expended for schools, but with very poor results. It was not unusual to find a boarding school of 100 pupils in charge of an ignorant Indian as superintendent, with his wife (who in some instances could not speak the English language) as matron.

No effort has been made in any of the schools of the Territory to give the boys or girls any training in manual labor or domestic economy of any kind. The academic training has been exceedingly poor.

Some years ago the Choctaw schools became so poor that their council appropriated \$12,000 per year for the education of 40 Choctaw children in State colleges. Scarcely any of their citizens are fairly well educated, except those who were thus sent away to State colleges.

Under instructions of the Secretary of the Interior, based upon the Curtis Act of June, 1898, I took entire charge of the schools of the Choctaw Nation, their board of education, headed by their principal chief, voluntarily turning their schools over to me in April last.

With their consent, I held examinations of teachers at seven different places in their nation, and, with the approval of the Secretary of the Interior, I appointed all teachers and superintendents for the year beginning September 1, 1899. In making appointments I have given preference to all Choctaw citizens who were at all competent.

Our examinations were very reasonable, yet a good many citizens who had been trying to teach realized their incompetency and made no effort to pass the examination. During all the spring and summer my relations with the members of the Choctaw school board were very cordial, and I was in constant communication with them, they supporting my work very heartily.

We opened the boarding schools and day schools of that nation on September 1,

with bright prospects and with a corps of superintendents and teachers at least 50 per cent better than had been employed in previous years.

The school work moved along nicely and harmoniously until the Choctaw council met in October last, when the politicians, who had heretofore manipulated the schools in their own personal interests, protested against Government control of their schools. Notwithstanding this protest and the threats of their politicians to break down our schools, the schools are progressing nicely, and I have received many letters from Choctaw parents expressing the hope that we may not relinquish control of their schools.

I desire to emphasize the fact that the attendance of pupils in all the Choctaw academies is better, the educational training is better, while the cost of maintaining these schools is less than when they were controlled by their own authorities.

In the natural course of events these children must soon be thrown upon their own resources, will soon become American citizens, and it is imperatively necessary that they be given that thorough educational training that is necessary to prepare them for this new life and prospective citizenship. Under Choctaw management it is impossible for the children to receive thorough training, and the interests of these children demand that the Government retain control of their schools.

Inspector Wright says that both he and Superintendent Benedict have received many expressions of approval of the action of the Government in assuming charge of these schools, and none except interested politicians have given contrary opinions. Continuing, he says:

If submitted to a vote of the people, I have no hesitancy in expressing the belief that a large majority would be in favor of the Government control.

After the adjournment of the council above referred to, school matters became comparatively quiet. The academies have had a larger attendance during the year, and more competent employees, while the cost of maintenance has been materially reduced.

In regard to industrial training Superintendent Benedict says:

We introduced some work along the line of manual training and domestic science, although we were hampered by the lack of the necessary tools and appliances. At first the pupils were not inclined to look with favor upon this departure from their accustomed routine, and declared that they did not come to school to work. Before the year closed, however, many of the boys were proud of the various articles of furniture made by their own hands, such as tables, picture frames, stools, etc., while the girls at the close of school made a very creditable exhibit of their fine needlework.

There were conducted 6 boarding schools and 110 neighborhood schools in the Choctaw Nation. They were opened on September 1, 1899, and closed May 31, 1900. Sickness, inclement weather, indifference of parents, and distance from the day schools interfered with the attendance, but, considering these difficulties, as good progress was made as could be expected.

The following table shows the enrollment, average attendance, etc., of these schools for the year:

TABLE 27.—*Enrollment, average attendance, etc., of schools in Choctaw Nation, Ind. T.*

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Jones Academy (male) .....	110	81	9	\$12,771.54	\$157.67	11
Spencer Academy (male) .....	105	81	9	12,345.48	152.41	11
Tushkahoma Academy (female) .....	111	98	9	12,656.99	129.15	9
Armstrong Orphan Academy (male) .....	78	78	9	10,093.96	129.41	7
Wheelock Orphan Academy (female) .....	87	78	9	9,573.97	120.18	8
Atoka Baptist Academy .....	58	55	9	5,569.10	101.25	.....
Total .....	549	471	.....	63,011.04	133.78	.....
120 neighborhood schools .....	2,170	1,812	9	27,570.91	12.70	.....
Total .....	2,719	2,283	.....	90,581.95	.....	.....

The Government officials are working zealously to avoid all friction in these schools, to promote kind feelings on the part of the tribe, and eventually to accomplish reforms which will meet the hearty approval of those who now oppose their efforts through a misunderstanding of the actuating motives.

**Chickasaw Nation.**—Owing to the hostility of the governing portion of the tribe to the control of the schools by the Department, the Chickasaw council has undertaken to conduct these institutions as formerly, supporting them by appropriations from their own revenues. As the coal and asphalt royalties were not to be used, the "Regulations for education in Indian Territory" did not apply to this nation, which attempts out of its common funds to manage the scholastic interests of its people. Its legislature appoints a superintendent of schools, who in turn selects a local trustee for each school, which superintendent and trustees constitute the school board of the nation. The local trustees being the creatures of the national superintendent are removed by him at will. The present superintendent is a half-blood of some education, but is said to have little force of character. The trustees generally are full-bloods, the majority of whom are members of the nation's legislature. The neighborhood schools are located in isolated communities, patronized principally by full-bloods when patronized at all. The children, in many instances, and teachers also, use the Chickasaw vernacular to the almost total exclusion of English.

The supervisor of schools for that nation, in his report on conditions, says that the schoolhouses are mostly small frame buildings, furnished with a few rough board benches, with rarely a desk, blackboard, or writing materials. Many of the houses are "too filthy for swine to occupy, never having been cleansed since they were built; many of the children in squalor and rags." Teachers are not chosen for merit, but by favoritism, preference being given to Chickasaws "when the

local trustee does not have a noncitizen friend who wishes the appointment." Antiquated books are furnished by the superintendent at \$25 per annum to each school. The approximate cost of the neighborhood schools is \$36,115, or an average cost of \$93.54 per pupil, children attending these schools being allowed \$8 per month for board. As an illustration of the financial methods adopted, it is reported that this \$8 is paid in duebills or scrip on the nation. The owner of the scrip, if poor, is compelled to discount it at the stores for the necessities of life at from 25 to 50 per cent. These evidences of indebtedness are subsequently presented to the auditing committee of the nation's legislature at its next assembling, to be passed upon; if allowed, a warrant is issued therefor, which, unless held by a favored one, is subject to further discount at the pleasure of the banks or money lenders.

There were seventeen of these neighborhood schools operated during the year.

Five boarding schools, with an enrollment of 346 pupils, cost the nation \$57,115. These are supported under five-year contracts with the superintendents, and the supervisor for the nation says: "Of the five superintendents only two are competent to teach the common school branches." Under the terms of the contract the superintendent receives a stipulated sum per annum for the board, tuition, medical attention, and maintenance of pupils, based upon a specified number, without regard to the average attendance. This opens wide the door for fraud and malfeasance on the part of those so inclined. The authority of the superintendent is paramount in all appointments of his employees, and frequently nepotism prevails to an alarming extent. Sanitary conditions are entirely neglected, but it is remarked that some of these superintendents are well-meaning men who do the best they can for the children, while others are unfit morally and educationally for the positions they hold.

Supervisor Simpson reports that, while he is unable to get accurate data concerning expenditures for schools, yet he is informed that the outstanding warrant indebtedness of this nation is between \$95,000 and \$110,000; that the Chickasaw superintendent has issued certificates during the year to 175 Chickasaw children to attend noncitizen schools in the nation, each of which would be entitled to \$8 to \$14 per month, approximating \$16,800; for support of 5 academies, \$57,115; for 17 neighborhood schools, \$36,115; or a total expense for schools for the year of \$110,030, which it has since been discovered will exceed their revenues available.

In consequence, this nation has already inaugurated steps looking to securing a portion if not all of the coal and asphalt royalties now in the Treasury of the United States for the purpose of liquidating this outstanding indebtedness for schools. They are seeking in this indi-

rect way to control the expenditure of a fund placed solely under the direction of the Secretary of the Interior, and placed under his control for the express purpose of having it applied to the legitimate purposes of education, and eliminating that control which has heretofore been represented as inimical to the best interests of the rising generation of the nation. To accede to their desires would be a perpetuation of the folly of years, and would rob the children of the benefit of funds held sacred for their use.

The enrollment, average attendance, etc., of the schools in the Chickasaw Nation are given in the following table:

TABLE 28.—*Enrollment, average attendance, etc., of schools in Chickasaw Nation, Ind. T.*

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Chickasaw Orphan Home.....	59	47	10	\$8,500	\$180	7
Wapanucka Institute (male).....	79	60	10	13,000	216	10
Collins Institute (female).....	38	38	10	6,600	173	8
Harley Institute (male).....	80	75	10	13,200	176	12
Bloomfield Seminary (female).....	92	86	10	15,180	176	12
Total.....	348	306		56,480	184	49
Seventeen neighborhood schools.....	489	386	10	36,115	93	17
Total.....	837	692		92,595		66

**Cherokee Nation.**—Over the schools of this nation the Department exercises only a supervisory direction, the direct control being vested in a board of education, the members of which are elected by the national council, the council reserving the authority to determine the number of schools and make appropriations for their support, fixing all salaries of teachers. The board of education conducts examinations for employees and teachers and issues requisitions upon the principal chief for warrants in favor of the teachers and other parties to whom payments are due. This board appoints three school directors in each neighborhood, who are to provide suitable buildings, furnishings, etc. Teachers are required to report at the close of each session the enrollment, average attendance, and other statistical information as to the schools, which reports are used as bases of requisitions upon which warrants for their salaries are made.

There are 124 ungraded schools, 28 of which are denominated full-blood, and 15 freedmen, the latter separate from the others. The male seminary and female seminary at Tallequah, the colored high school near Tallequah, and an orphan asylum near Pryor Creek are the four boarding institutions of the nation. The Cherokees are considered the most enlightened and progressive of the Five Civilized Tribes, and for fifty years have maintained schools, their seminaries being founded in 1846 and opened in 1850. They are magnificent buildings of the old classic style of school architecture.

The educational life of this nation has had its ebb and flow through the past half century. At times progress and wise policy were the rule, when their institutions of learning flourished, only to languish after awhile by neglect and inefficiency of management. Prior to the passage of the Curtis law the schools of the nation were declining; incompetency, inefficiency, favoritism, and fraud at times marked the official control of educational matters. The action of the Secretary of the Interior in establishing a directing control of their system has awakened the nation to a realization of the low state into which this great branch of their work had fallen. A new school board has been formed, whose character and standing are the antitheses of their predecessors. They seem willing and anxious to correct abuses and improve methods. A higher standard of ability and morality among teachers has been set and the supervisor of the nation has cooperated with the tribal authorities in securing employees on meritorious qualifications.

Under orders of the Department, all school warrants for this nation are registered and indorsed by the United States supervisor as having been regularly issued for legitimate purposes before payment, and in his report he says:

I have looked carefully into the character and quality of service rendered or goods furnished and have generally found the money has been prudently expended.

It is also said the officers and teachers are willing to cooperate for the benefit of the service, and appreciate advice, suggestions, and guidance.

The 124 neighborhood schools are in session twelve weeks in the fall and sixteen weeks in the spring, making seven months' term for the year. The seminaries are in session nine months in the year. An important change has been made in the system, which is the abolition of a winter vacation, which formerly extended through the months of January and February.

The following table shows the enrollment, average attendance, etc., at the schools of the Cherokee Nation for the past year:

TABLE 29.—*Enrollment, average attendance, etc., of schools in Cherokee Nation, Ind. T.*

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Male Seminary .....	120	80	9	\$11,390	\$131.75	7
Female Seminary .....	135	105	9	15,840	150.84	8
Orphan Home .....	138	124	9	15,125	121.95	8
Colored High School .....	45	23	9	3,400	147.78	3
Total .....	438	332	.....	45,755	137.81	26
124 neighborhood schools .....	3,290	2,195	7	30,380	13.98	.....
Total .....	4,358	2,527	.....	76,135	.....	.....

**Creek Nation.**—The status of the schools of this nation so far as Federal control is concerned is similar to that of the Cherokees.

These schools are managed by the Creek superintendent of education, who is appointed by the principal chief. The superintendent appoints teachers and superintendents of boarding schools. This nation has been lavish in its appropriations for schools without commensurate results. An objectionable feature of their laws is the making of superintendents of boarding schools officials of the nation, and consequently they are required to be citizens. Under their old régime educational qualifications were not considered essential for a man holding such a position, hence it became necessary for the United States superintendent of schools to insist that only educated men should be appointed. Through his influence a better tone has been given the service and he has succeeded in effecting the removal of some of the superintendents who were charged with drunkenness and incompetency. This nation has 9 boarding schools, the largest number in the Territory. It also maintains 55 neighborhood schools. All of these schools except seven of the latter were in session from September 4, 1899, to May 11, 1900.

Seven schools were discontinued on April 10 by reason of the prevalence of smallpox. Unsettled and conflicting conditions operated during the early part of the session in preventing full attendance. Rumors that the nation would fail to appropriate for schools and would soon close them were partial reasons for the decrease. As the session progressed confidence was restored, the national superintendent cooperated, and a comparatively successful year was had.

The United States school supervisor is required to investigate and approve all school warrants before payment, and as a result of his careful oversight there has been a material reduction in expenditures, to an amount of \$5,000, with an increase of efficiency.

The following table gives the enrollment, average attendance, etc., at the schools of the Creek Nation for the past year:

TABLE 30.—*Enrollment, average attendance, etc., of schools in Creek Nation, Ind. T.*

School.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Eufaula.....	100	80	9	\$7,784.76	\$104.81	10
Creek Orphan Home.....	60	55	9	6,562.16	130.22	8
Euchie.....	80	58	9	6,668.15	123.76	10
Wetumka.....	100	82	9	8,614.76	112.37	14
Coweta.....	50	38	9	4,483.56	131.15	8
Wealaka.....	50	39	9	3,999.48	115.37	9
Tallahassee (colored).....	100	80	9	8,057.88	108.22	7
Pecan Creek (colored).....	65	50	9	4,262.73	95.25	6
Colored Orphan Home.....	35	24	9	2,000.18	104.13	6
Total.....	640	506	.....	52,433.65	103.62	78
55 neighborhood schools.....	1,745	1,042	9	13,223.42	12.68	55
Total.....	2,385	1,548	.....	65,657.07	.....	133

**Comparative cost.**—As previously stated, only the schools in the Choctaw Nation have been directly under the control of this Department,

while in the Creek and Cherokee nations the control has been merely supervisory. The Chickasaws have operated their own schools and resented governmental assistance. Under these conditions it is interesting to compare results of the past year with previous years, and with the several nations themselves, as will appear in the following table:

TABLE 31.—*Enrollment and average attendance during the fiscal years 1899 and 1900, showing increase in 1900; also average annual cost per pupil each year.*

School.	Enrollment.			Average attendance.			Average cost per capita, 1899.	Average cost per capita, 1900.	Increase (+) or decrease (−) in cost.
	1899.	1900.	Increase.	1899.	1900.	Increase.			
<b>Cherokee Nation:</b>									
Male Seminary.....	90	120	30	78	80	2	\$149.00	\$131.75	—\$17.25
Female Seminary.....	125	135	10	105	105	.....	176.00	150.84	— 25.16
Orphan Home.....	129	138	9	110	124	14	136.00	121.95	— 14.05
Colored High School.....	25	45	20	20	23	3	175.00	147.78	— 27.22
<b>Total.....</b>	<b>369</b>	<b>438</b>	<b>69</b>	<b>313</b>	<b>332</b>	<b>19</b>	<b>159.00</b>	<b>137.81</b>	<b>— 21.19</b>
<b>Choctaw Nation:</b>									
Jones Academy.....	85	110	25	75	81	6	200.00	157.67	— 42.33
Spencer Academy.....	84	105	21	70	81	11	214.00	152.41	— 61.59
Tuskahoma Female Institute.....	90	111	21	75	98	23	.....	129.15	.....
Armstrong Orphan Academy.....	65	78	13	62	78	16	145.00	129.41	— 15.59
Wheelock Orphan Academy.....	60	87	27	50	78	28	160.00	120.18	— 39.82
<b>Total.....</b>	<b>384</b>	<b>491</b>	<b>107</b>	<b>332</b>	<b>416</b>	<b>84</b>	<b>180.00</b>	<b>133.78</b>	<b>— 46.22</b>
<b>Creek Nation:</b>									
Eufaula.....	100	100	.....	71	80	9	135.00	104.81	— 30.19
Creek Orphan Home.....	60	60	.....	52	55	3	140.00	130.22	— 9.78
Euchie.....	70	80	10	65	58	— 7	118.00	123.76	— 5.76
Wetumka.....	100	100	.....	85	82	— 3	110.00	112.37	— 2.37
Coweta.....	50	50	.....	37	38	1	135.00	131.15	— 3.85
Wealaka.....	50	50	.....	45	39	— 6	118.00	115.37	— 2.63
Tallahassee.....	80	100	20	66	80	14	144.00	108.22	— 35.78
Colored Orphan Home.....	35	35	.....	24	24	.....	138.00	104.13	— 33.87
Pecan Creek.....	60	65	5	52	50	— 2	100.00	95.25	— 4.75
Nuyaka.....	100	.....	.....	89	.....	.....	100.00	.....	.....
<b>Total.....</b>	<b>705</b>	<b>640</b>	<b>65</b>	<b>586</b>	<b>506</b>	<b>80</b>	<b>124.00</b>	<b>103.62</b>	<b>— 20.38</b>
<b>Chickasaw Nation:</b>									
Chickasaw Orphan Home.....	60	59	— 1	.....	47	.....	150.00	180.00	+ 30.00
Wapanucka Institute.....	60	79	19	.....	60	.....	160.00	216.00	+ 56.00
Collins Institute.....	40	38	— 2	.....	38	.....	150.00	173.00	+ 23.00
Harley Institute.....	60	80	20	.....	75	.....	166.00	176.00	+ 10.00
Bloomfield Seminary.....	80	92	12	.....	86	.....	156.25	176.00	+ 21.00
<b>Total.....</b>	<b>300</b>	<b>348</b>	<b>48</b>	.....	<b>306</b>	.....	<b>157.00</b>	<b>184.00</b>	<b>+ 27.00</b>
<b>Seminole Nation:</b>									
Mckuskey Academy.....	100	.....	.....	65	.....	.....	160.00	.....	.....
Emahaka Academy.....	100	.....	.....	80	.....	.....	131.00	.....	.....
<b>Total.....</b>	<b>200</b>	.....	.....	<b>145</b>	.....	.....	<b>291.00</b>	.....	.....

An inspection of the above table shows that the average cost per capita for education in the boarding institutions of the Cherokee Nation was \$137.81 in 1900 and \$159 in 1899, a decrease of \$21.19; in Creek Nation \$103.62, as against \$124, a decrease of \$20.38; in the Choctaw Nation \$133.78, as against \$180, a decrease of \$46.22; in Chickasaw Nation \$184, as against \$157, an increase of \$27. These figures are pregnant with suggestions which can not fail to impress the intelligent, disinterested citizen. In the nation completely under governmental con-



trol there was a very marked reduction in cost and an equally marked increase in efficiency. While the Cherokee and Creek nations have a less per capita expenditure, it was due to the watchful care of the Government in supervising the same. That the Chickasaws are incompetent guardians of their own educational funds is fully apparent from the above figures and the reports of the deterioration of their schools.

No comparisons with reference to the Seminoles can be made for want of sufficient data.

**White children without schools.**—No accurate census of the white people living in Indian Territory is available, but the number, approximately, is 200,000. These people are scattered all over the country, in towns, villages, and fields, engaged in all occupations, from that of loafing or something worse, up to banking, merchandising, etc. This section was in the early days a haven for persons whose presence was undesirable in the civilized portions of the country. Many have left orphans with no homes, no known kindred, who are dependent upon a charity which is not always sufficient to keep them from want and vice. These children are growing up in ignorance, as in the present order public schools are unknown. There are, however, a great many white people of culture and wealth who appreciate the necessity of educating their children, and therefore about a dozen of the cities and villages of the Territory have attempted to establish schools, but unless they live in incorporated towns they can not levy a tax for maintenance or issue bonds for putting up school buildings, hence their efforts have not met with much success. The title to all lands being vested in the Indians no lands can be appropriated for school purposes, hence outside the incorporated cities and towns there is no legal way by which public school districts can be organized. There are therefore thousands of children of white parents who are thus deprived of education, growing up in vice and ignorance, already feeding the United States jails at Muscogee and other points with youthful criminals. The cost of education will not be excessive compared with results of permitting this class to continue in their present unhappy and unavoidable course. Congress should take some steps to remedy this great evil, and give schools to the 50,000 white children of this Territory.

**Freedmen.**—There are 4,250 freedmen in the Choctaw Nation and 4,500 in the Chickasaw. These people are excluded from the benefits of the coal and asphalt royalties, and are therefore without adequate or even inadequate school facilities. The majority are poor and ignorant, and therefore unable to bear the expense of educating their children. Debarred alike from white and red schools, Congress should provide some means by which they may be given the benefit of schools. Provision is made for the freedmen in other nations.

**Population.**—The population of Indian Territory may be subdivided into full bloods, mixed bloods, freedmen, intermarried whites, whites,

The superintendent of schools and his assistants, not having the necessary facilities for securing an accurate school census of the Territory, have, however, been able with the assistance of the teachers to compile an estimate of the number of children between the ages of 6 and 18 years in the several nations, as shown in the following table;

TABLE 32.—*Scholastic population in Indian Territory.*

Nation.	Indians.	Negroes.	Whites.	Total.
Cherokee .....	8,340	950	10,000	19,290
Creek .....	1,850	1,300	3,500	6,650
Choctaw .....	4,000	1,000	16,000	21,000
Chickasaw .....	1,500	1,000	25,000	27,500
Seminole .....	400	400	100	900
Total .....	16,090	4,650	54,600	75,340

From this estimate it appears that there are 75,340 children of school age in Indian Territory, of whom 16,090 are Indians, 4,650 negroes, and 54,600 whites.

**Suggestion.**—A survey of the work of education among these four civilized tribes indicates that it has been more satisfactory than in the past. In the Choctaw Nation under Department control there has been marked progress in methods and reduction of expenses, while in the Cherokee and Creek the watchful eye of the Government has seen that methods have been improved and a more economical system adopted. The dual control is, however, unsatisfactory, in that there is a constant tendency to shift responsibility, and attribute to one or the other the mistakes of the others. The unsatisfactory conditions in the Chickasaw Nation indicate that the sooner the Government assumes control of their schools the earlier will results of good service be apparent.

#### MINERAL LEASES.

The leasing of lands for mineral purposes must be treated in two parts, one relating to leasing under the Choctaw and Chickasaw agreement, and the other to leasing under section 13 of the Curtis Act.

**Choctaw and Chickasaw leases.**—The Department, October 7, 1898, prescribed regulations governing the leasing of mineral lands in the Choctaw and Chickasaw nations in accordance with the provisions of the agreement.

**Coal and asphalt.**—By the agreement the leasing of mineral lands in the Choctaw and Chickasaw nations is under the supervision and control of two trustees appointed by the President, one, a Choctaw by blood, appointed on the recommendation of the principal chief of the Choctaw Nation, and the other, a Chickasaw by blood, appointed on the recommendation of the governor of the Chickasaw Nation. The principal chief of the Choctaw Nation nominated Mr. Napoleon B.

Ainsworth, and the governor of the Chickasaw Nation nominated Mr. Lemuel C. Burris. These gentlemen were appointed by the President and their commissions were issued October 8, 1898, but they did not enter regularly on their duties until about the 1st of December, 1898. All official acts of these mining trustees are subject to the approval of the Department.

By the regulations prescribed October 7, 1898, the royalty on coal was fixed at 15 cents per ton for each ton of coal produced weighing 2,000 pounds, and at 60 cents per ton for each ton of asphalt produced weighing 2,000 pounds. In November of 1898 the coal producers in the Indian Territory petitioned the Department to give them a hearing relative to reducing the rate of royalty on coal produced. The Department, by letter of January 6, 1899, reduced the rate of royalty to 10 cents per ton on each ton of coal produced weighing 2,000 pounds after it had been passed over a screen the meshes of which were one inch square. Considerable difficulty was experienced in having the coal properly screened, and much of the coal was shipped mine run, and the coal operators, in February of 1900, petitioned the Department to reduce the rate of royalty to 6½ cents per ton, mine run, and the rate was fixed by the Department, at 8 cents per ton, mine run, to take effect March 1, 1900.

The regulations prescribed October 7, 1898, having been modified in many particulars, the Department, May 22, 1900, caused them to be reprinted, embodying the modifications subsequent to the date of their original promulgation. The revised regulations provide for royalties for the different classes of minerals as follows:

On coal, 8 cents per ton of 2,000 pounds on mine run; or coal as it is taken from the mines, including that which is commonly called "slack," which rate went into force and effect on and after March 1, 1900.

On asphalt, 60 cents per ton for each and every ton produced weighing 2,000 pounds of refined, and 10 cents per ton on crude asphalt.

The right is reserved, however, by the Secretary of the Interior in special cases to either reduce or advance the royalty on coal and asphalt on the presentation of facts which, in his opinion, make it to the interest of the Choctaw and Chickasaw nations, but the advancement or reduction of royalty on coal and asphalt in a particular case shall not operate in any way to modify the general provisions of this regulation fixing the minimum royalty as above set out.

*Provided*, That all lessees shall be required to pay advanced royalties, as provided in said agreement, on all mines or claims, whether developed or not, to be "a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments," as follows, viz: One hundred dollars per annum in advance for the first and second years, \$200 per annum in advance for the third and fourth years, and \$500 in advance for each succeeding year thereafter; and that, should any lessee neglect or refuse to pay such advanced royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and all royalties paid in advance shall be forfeited and become the money and property of the Choctaw and Chickasaw nations.

The regulations were also modified so as to require the applicants for leases to make applications under oath to the United States Indian inspector located in the Indian Territory instead of, as previously, to the mining trustees. Parties who secure mineral leases in the Indian Territory must show that they are experienced miners, and that they have capital sufficient to develop mines properly. This has had the effect of reducing speculative applications to the minimum.

Since my last annual report coal leases in the Choctaw and Chickasaw nations have been submitted by this office and approved by the Department as follows:

1. One lease with Messrs. Edmund McKenna and Charles H. and Eldridge C. Amos, submitted October 18, 1899, and approved October 24, 1899.

2. Two leases with the McAlester Coal Mining Company, submitted February 16, 1900, and approved February 19, 1900.

3. Six leases with the Choctaw Coal and Mining Company were submitted April 10, 1900, and the Department on May 4, 1900, approved three, known as leases Nos. 3, 4, and 5, and disapproved the others.

4. Six leases with the Sans Bois Coal Company, submitted June 22, 1900, and approved June 25, 1900.

5. One lease with the Central Coal and Coke Company, submitted August 13, 1900; and approved August 27, 1900.

6. One lease with William Busby, of Parsons, Kans., submitted August 15, 1900, and approved September 6, 1900.

March 1, 1899, the Department approved 30 leases with the Choctaw, Oklahoma and Gulf Railroad Company; April 27, 1899, 8 leases with John F. McMurray, and August 22, 1899, 3 leases with Messrs. D. Edwards & Son. This makes in all 55 coal leases approved by the Department since the passage of the Curtis Act.

The applications of several other companies for coal-mining leases are pending before the Department, but have not yet, so far as the office is advised, been acted upon. During the year numerous applications were refused by the Department, for the reason that the parties applying were not able to make a satisfactory financial showing, or because they were not experienced coal miners.

Asphalt leases have also been approved as follows:

1. One lease with the Brunswick Asphalt Company, submitted March 15, 1900, and approved March 20, 1900.

2. One lease with the Caddo Asphalt Mining Company, submitted April 18, 1900, and approved April 21, 1900.

3. One lease in favor of the Elk Asphalt Company, submitted April 23, 1900, and approved May 3, 1900.

This makes in all three asphalt leases that have been approved since the passage of the Curtis Act.

*Contested coal and asphalt leases.*—In my last annual report mention

was made of the application of the Sans Bois Coal Company for twenty-eight leases, and of the contest existing between that company and the Kansas and Indian Territory Coal Mining Company, represented by Mr. W. S. Nelson, as to certain tracts embraced within some of the applications, the matter being then pending before the Department. Subsequently the subject was referred by the Department to the Assistant Attorney-General for an opinion, and October 18, 1899, he rendered an opinion, which was approved by the Department the same day, in which he held that—

neither of said companies is, as a matter of law, entitled to a preference right to a lease of these lands, and that in instances of such rival applications the Secretary of the Interior must, in the exercise of a sound discretion, determine to which application a lease will be given. The Kansas and Indian Territory Coal Company having the only improvements on these lands, and having made a prior application for a lease, seems to me to be in a position to reasonably argue that its application be first considered.

Subsequently, George Hayden, attorney for the Sans Bois Coal Company, requested the Department to refer the matter to the Assistant Attorney-General for an opinion as to whether or not the San Bois Coal Company "has not, by fair interpretation, legally earned its right to the leases asked for." The leases involved in the contest, however, were not included in those which Mr. Hayden desired to have submitted. The Assistant Attorney-General rendered an opinion December 14, 1899, which was approved by the Department the same day, in which he held "that the applicant is not in position to demand as a matter of right the approval of the leases in question." Subsequently six leases were granted to the San Bois Coal Company, and the Kansas and Indian Territory Coal Company was advised that it could submit an application for one lease.

Another contest mentioned in my last annual report was that generally known as "The Davis Mining Company contest." This controversy arose over asphalt lands in the Chickasaw Nation. The Davis Mining Company had been granted a charter or license by the Chickasaw Nation to mine asphalt on a certain tract. A lease was made by that company to other parties, who sublet to the Rock Creek Natural Asphalt Company, which company made a lease to other parties, who in turn sublet their right to the Gilsonite Roofing and Paving Company.

The Assistant Attorney-General, March 10, 1900, rendered an opinion in this case, which was approved the same day by the Department, in which he held that none of the parties had acquired any legal right to have the land and that the granting of a lease rested in the discretion of the mineral trustees. The opinion says:

As pointed out by the Commissioner of Indian Affairs, the Choctaw and Chickasaw nations are joint owners of the lands occupied by them, respectively, the Choctaw

taws holding a three-fourths interest in the lands occupied by the Chickasaws and the Chickasaws holding a one-fourth interest in those occupied by the Choctaws. Because of this joint interest it was held that both nations should join in the agreement ratified by the act of June 28, 1898, by which a change in the tenure of their lands was to be effected. The leases or contracts ratified and confirmed by said agreement were those made by the "National agents of the Choctaw and Chickasaw nations," and not those made by the representative of one nation alone. It was not intended by that agreement to recognize any contract or lease made by one of these nations alone through its representatives.

As said by the Commissioner of Indian Affairs, it is not shown or claimed that the Choctaw Nation ever gave its assent to the Chickasaw act under which the Davis Mining Company claims existence. I am of opinion that no claim based upon that act is entitled to recognition under the agreement. If a charter or license granted under that act is affected by said agreement, it is not by way of ratification or confirmation, and hence no claim to a preference right to a lease of ground covered by a charter issued under said Chickasaw law can be successfully asserted by virtue of any provision of said agreement. The matter of leasing mineral lands is fully covered by the provisions of said agreement and unless an applicant claiming a preference right to a lease can bring himself within its provisions and the regulations issued thereunder his claim must fail. The Davis Mining Company, not having a lease that comes within the confirmatory provisions of said agreement, has no preference right to a lease for the land in question.

Neither of the other applicants claims to hold under a contract made directly with the national agents of the Choctaw and Chickasaw nations, or either of them, and hence neither has any claim falling within the confirmatory provisions of the agreement ratified in 1898. They, in each instance, went upon the land in pursuance of and under the authority of the license to the Davis Mining Company. That license, being given without authority, conferred no right upon the Davis Mining Company, and that company could not grant any right which it never had.

Even if it be admitted that parties who are in possession of lands under such license, lease, or contract as those presented here may have a right that should be recognized, the fact still remains that neither of these parties is entitled under those instruments to exclusive possession of the lands in question. The license to the Davis Mining Company was to mine "all minerals, gases, oils, coal, and asphaltum, or all minerals known to the law." The lease to Dennis, transferred by him to the Rock Creek Natural Asphalt Company, was of "all the asphaltum and petroleum" under and upon the same land, and the lease to Baxter, transferred to the Gilsomite Roofing and Paving Company, was of "all the lime-rock asphaltum under and upon said land." In this instrument a right was reserved to the Rock Creek Company "to use any and all lime asphalt rock for its own use and to do its own mining." If these instruments are to be consulted to determine the rights of these applicants the conclusion would be that neither is entitled to a preference right as against the other to a lease by reason of possession, because neither has a right to the exclusive possession of the tract in controversy between them. In no phase of the case can either of these applicants successfully assert a preference right to a lease of said lands by reason of the instruments under which they went upon it. I concur in the conclusion reached by the Indian Office that these parties are upon the land in question without any right to be there recognized by the law, and that neither of them can, as a matter of legal right, demand a lease thereof.

In paragraph 9 of the regulations governing mineral leases in the Choctaw and Chickasaw nations it is provided that persons or corporations who have, under the customs and laws of the Choctaw and Chickasaw nations, made leases with the national agents for mining coal, asphalt, or other minerals, and who, prior to April 23, 1897, had taken possession of and were operating any such mine in good faith,

should be protected in the right to continue the operation thereof and have the right to renew the same. A further provision of said paragraph is as follows:

\* \* \* And all corporations which, under charters obtained in accordance with the laws of the Chickasaw Nation, had entered upon and improved and were occupying and operating any mine of coal, asphalt, or other mineral within said Chickasaw Nation shall have a preference right to lease the mines occupied and operated by such corporations, subject to all the general provisions of said agreement and of these regulations: *Provided*, That should there arise a controversy between two or more of such corporations, the respective rights of each shall be determined after an investigation by the inspector located in the Indian Territory, subject to appeal to the Commissioner of Indian Affairs, and from him to the Secretary of the Interior.

In paragraph 10 of said regulations it is pointed out that all leases made prior to April 23, 1897, by individual members of said nations were, by the agreement, declared void, and hence that no preference right could be asserted by reason of such a lease, and then it is said:

But parties in possession of mineral land who have made improvements thereon for the purpose of mining shall have a preference right to lease the land upon which said improvements have been made under the provisions of said agreement and these regulations.

While these provisions of the regulations as to claims not based upon a lease ratified by said agreement are not specifically authorized by any provision of the law, yet the Department having charge of the matter of mineral leases had authority to adopt the plan to the end that parties who had in good faith expended money in the development of mining claims might secure the benefit of such expenditures. These applicants not having any claim to the land which is confirmed and ratified by said agreement, the granting of a lease rests in the sound discretion of the mineral trustees, acting under and in conformity with the regulations and subject to the approval of the Secretary of the Interior. There being a controversy as to a part of the land, the right to a lease of the tract thus in controversy, or to the different subdivisions thereof, should be considered and determined in the mode prescribed by the regulations, and in accordance therewith. If, upon the investigation by the inspector, as provided in the regulations, no reason is disclosed for refusing a lease to either of these parties for land not claimed by the other, the application should be allowed to that extent, and as to the land about which there is a controversy, the facts as to possession and improvements should be ascertained, to determine the equities of the parties, to the end that each may be given a lease to cover, if possible, the ground upon which he has in good faith made improvements.

Another contest arose in the application of the Brunswick Asphalt Company for a lease to certain lands in the Chickasaw Nation. W. S. Nelson, of Kansas City, Mo., protested against the lease being granted to said company. He represented that the lease, if granted at all, should be made in the name of the Hays, Turner & Cooper Mining Company, in which company he claimed an interest, and of which company it appears the Brunswick Asphalt Company is the successor. From the papers submitted by Mr. Nelson it appeared that he entered into a contract with H. A. Kemble & Co., the owners of the stock of the Hays, Turner & Cooper Mining Company, to sell the stock of that concern, and that he went to New York for that purpose; that he was about to make a sale of said stock, and so advised H. A. Kemble & Co.; that one Mr. D. J. Calkins, who was a member of the firm of Kemble & Co., went to New York and agreed with Mr. Nelson that if he would surrender his contract with H. A. Kemble & Co. for the sale of the stock of the Hays, Turner & Cooper Mining Company, the

owners of the stock would give him \$20,000 worth of fully paid up nonassessable capital stock of said company; and that he accepted that proposition, but that the stock was never delivered to him. Therefore he urged that the lease should not be granted, for the reason that the Brunswick Asphalt Company was organized for the purpose of defrauding him (Nelson) out of his share of the capital stock of said Hays, Turner & Cooper Mining Company.

In office report dated November 22, 1899, it was stated:

Concerning Mr. Nelson's protest, the office is of the opinion that if H. A. Kemble & Co., who were, it seems, the sole owners of the stock of the Hays, Turner & Cooper Mining Company, owes him anything by reason of his contract to sell the stock of said company, that he (Nelson) would still have a right of action against said Kemble & Co., if he ever had any such right, and that their stock in the Brunswick Asphalt Company would be liable for any judgment obtained against them by reason of said contract, and that the same is also true as to any judgment he might obtain against said Kemble & Co. by reason of the agreement entered into by the provisions of which it appears that in consideration of his surrendering said contract to sell the stock of the Hays, Turner & Cooper Mining Company, that said Kemble & Co. agreed to give him \$20,000 worth of the full paid up nonassessable capital stock of said Hays, Turner & Cooper Mining Company.

The office further stated that it doubted whether the lease should be granted at that time, for the reason that the Department was then considering the rate of royalty that should be paid on asphalt, and for the further reason that while the law undoubtedly vested power in the Department to increase or decrease the rate of royalty to be paid under any mineral lease whenever it was deemed "for the best interests of the Choctaws and Chickasaws to do so," it was doubtful whether such authority was reserved in the form of lease then in use.

By Department letter of December 18, 1899, the office was advised as follows:

While the Department adheres to the opinion that the lessee is under obligation to pay the rate of royalty that may be prescribed by the Secretary at any time during the term of the lease, even if the rate be increased over that expressly stated therein, yet out of abundant caution so that there may not be a possibility of a doubt as to the true intent and meaning of the lease, it is considered advisable that the form of lease prescribed by the Secretary of the Interior on October 7, 1898, under the provisions of section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., 495), be amended so that the last paragraph on page 10 shall read:

And the part—of the second part agree—that this indenture of lease shall be subject in all respects to the rules and regulations heretofore, or that may be hereafter prescribed, under the said act of June 28, 1898, by the Secretary of the Interior relative to mineral leases in the Choctaw and Chickasaw nations; and said part—of the second part expressly agrees to pay to said United States Indian agent any additional rate of royalty that may be required by the Secretary of the Interior during the term this lease shall be in force and effect; and further, that should the part—of the second part,—executors, administrators, or assigns, violate any of the covenants, stipulations, or provisions of this lease, or fail for the period of thirty days to pay the stipulated monthly royalties provided for herein, then the Secretary of the Interior shall be at liberty, in his discretion, to avoid this indenture of lease, and cause the same to be annulled, when all the rights, franchises, and privileges of the part—of the second part,—executors, administrators, or assigns, hereunder shall cease and end, without further proceedings.



The Department held that it would be necessary to have the lease and bond reexecuted. The lease was subsequently granted to the Brunswick Asphalt Company.

The inspector, April 9, 1900, submitted ten applications of the Southwestern Coal and Improvement Company for leases of certain lands in the Choctaw Nation, and also filed applications of the Milby & Dow Coal and Mining Company for leases of certain lands in that nation; and some of the tracts described were included in both applications.

Office report of April 14, 1900, stated that—

It appears that neither of the companies has made any improvements upon the lands in controversy, and the question raised by Inspector Wright as to whether or not the Southwestern Coal and Improvement Company has the right to commence operations on any of the tracts of land in controversy, at any time prior to the expiration of its national contract, seems to come within the provisions of the agreement above quoted.

It appears that this company was, on April 23, 1897, operating upon the territory covered by its national contract. The contract entered into by this company with the national representatives of the Choctaw and Chickasaw nations July 1, 1889, and renewed November 2, 1895, described certain tracts of land by indicating the names by which they were known, and these tracts seem to be embraced within the area applied for by this company.

It is the opinion of this office that the Southwestern Coal and Improvement Company's contract with the national authorities was approved by the Choctaw and Chickasaw agreement; that said company has the right to begin operations on any of the tracts covered by said national contract at any time prior to the expiration thereof; that the company may at any time, up to and including the date of its national contract, make application for leases for the tracts covered by its national contract; and that the Milby & Dow Coal and Mining Company has not in any particular established its right to leases to the lands in controversy, as against the rights of the Southwestern Coal and Improvement Company.

It was therefore recommended that the inspector be instructed to advise the Southwestern Coal and Improvement Company to have its leases prepared and forwarded for consideration.

The Department, however, in a letter of June 14, 1900, advised the inspector that as soon as the Attorney-General should render an opinion on the subject he would be informed. So far as this office is advised, the opinion has not yet been rendered.

*Other minerals.*—October 3, 1899, the inspector requested to be advised relative to the leasing of minerals in the Choctaw and Chickasaw nations other than coal and asphalt. His report was submitted to the Department with office report of October 11, 1899, in which attention was called to the following recommendation contained in the annual report of the inspector:

It appears by treaty that all mineral land, other than coal and asphalt, is not reserved from allotment in the Chickasaw and Choctaw nations. Therefore, to avoid complications later, it would appear desirable that no leases, other than coal and asphalt, be made in such nations, though the treaty provides leases shall include all minerals.

In this recommendation the office heartily concurred, for the reason that while the language of the agreement as construed by the Department provides for the leasing of lands for the mining of all minerals, it is the belief of the office that such was not the intention of the contracting parties.

The Department replying to the inspector October 16, 1899, quoted from office report of October 11, and said:

It was scarcely necessary for the Acting Commissioner to reiterate its concurrence in said quotation from your annual report. The Department had supposed that the proper construction of that portion of the agreement set out in section 29 of the act of Congress approved June 28, 1898 (30 Stat. L., 495), was fully adjudicated by the repeated rulings of the Department which, under the provisions of sections 441 and 463 of the Revised Statutes of the United States, the Secretary is authorized to make. And said rulings are binding upon all subordinate officers of this Department, notwithstanding said rulings may be contrary to the individual opinions of said officers.

In a letter dated September 7 last, the Department acknowledged the receipt of your annual report, and called your attention to the fact that "it would appear from some statements therein that you have overlooked the rulings of the Department upon the question whether leases for mineral lands in the Choctaw and Chickasaw nations may include other minerals than coal and asphalt," under said agreement in said act of June 28, 1898. Reference was made in said letter to the rulings of the Department in its letters of February 27 last, wherein the Department concurred in the opinion expressed by the Commissioner of Indian Affairs, that the clause in said agreement, namely, "All leases under this agreement shall include the coal or asphaltum, or other mineral, as the case may be, in or under nine hundred and sixty acres," warranted the construction contained in departmental regulations dated October 7, 1898.

Reference was also made in said letter to the subsequent departmental ruling of April 4 last, and you were told that in said letter of April last—

the provisions of said agreement relating to said question were again more fully and elaborately considered by the Department, and it was held, both upon principle and authority, the regulations governing mineral leases in the Choctaw and Chickasaw nations and expressly authorizing the leasing of lands containing other mineral than coal and asphalt, were duly issued and should stand until changed by "legislative enactment."

A copy of said letter of April 4 was sent to you, and you were advised that "said rulings have been uniformly adhered to," and you were again instructed to "advise the mineral trustees of the Choctaw and Chickasaw nations that they must receive applications in accordance with said regulations, and report the same to you as prescribed by paragraph 3 thereof."

This you report has been done. Said letter was inclosed in a letter to the Commissioner of Indian Affairs on September 8 last, with directions to forward the same to you, which appears to have been done.

It thus appears that the effect of said agreement has been repeatedly adjudicated by the highest authority in this Department, and in technical language has passed "in rem judicatam." It may not be amiss, however, to call your attention to the fact that in the original agreement made on April 23, 1897, as set out in the annual report of the Commissioner of Indian Affairs, 1897 (p. 413), the language is:

All leases under this agreement shall include nine hundred and sixty acres, which shall be in a square as nearly as possible, and shall be for thirty years. The royalty on coal shall be 15 cents per ton of 2,000 pounds on all coal mined. \* \* \* Royalty on asphalt shall be 60 cents per ton.

And the words "or other mineral" are omitted. But said paragraph in the agreement contained in said section 29 was materially modified by Congress. The proviso in the former paragraph authorized the legislatures of the Chickasaw and Choctaw

nations to reduce the royalties whenever they deem it for their best interests to do so, but the paragraph in the agreement which became a law reads:

"All leases under this agreement shall include the coal or asphaltum or other minerals," and the proviso was changed so as to authorize the Secretary of the Interior to "reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so."

This agreement, containing said amendments, was ratified by said nations on August 24 last, and the changes made fully confirm the Department in the construction heretofore placed upon said agreement. Besides, there is no good reason why other minerals in the Chickasaw and Choctaw nations than coal and asphalt should not be reserved for the benefit of the tribes in like manner as the coal and asphalt therein contained.

The Department, therefore, does not approve the recommendation quoted by the Acting Commissioner and concurred in by him.

April 9, 1900, the inspector transmitted the application of S. B. Bradford and others for a zinc and lead mining lease in the Chickasaw Nation, Indian Territory. Office report of April 10, 1900, quoted the following from Department letter above quoted—

Besides there is no good reason why other minerals in the Chickasaw and Choctaw nations than coal and asphalt should not be reserved for the benefit of the tribes in like manner as the coal and asphalt therein contained.

and referred to previous communications from this office which expressed the opinion that there was no authority for the leasing of any minerals other than coal and asphalt.

April 27, 1900, the Department requested of the Assistant Attorney-General for the Interior Department an opinion "whether the Secretary of the Interior was authorized to issue" the regulations prescribed by the Department on October 7, 1898, "authorizing the leasing of other minerals than coal or asphalt."

May 11, 1900, the Assistant Attorney-General rendered an opinion, which was approved by the Department on the same date, in which he held that there is no authority under the agreement for giving leases to mine anything but coal and asphalt. The opinion says:

The agreement then fixes the royalty to be paid on coal and asphalt, with the proviso that the Secretary of the Interior may reduce or advance the royalties on "coal and asphalt" when he deems it to the best interest of the Indians to do so.

The fact that no substance except coal and asphalt is mentioned in connection with the allotment of lands to individuals, and the patent to the allottee, shows clearly that it was not intended to retain as the property of the tribe, or to except from the conveyance to the allottee, any substance other than coal and asphalt that might be in or under the land allotted. The care exercised to specifically mention "coal and asphalt" in every declaration as to reservations for the common benefit of the members of the tribes, and to omit therefrom the mention, specifically or generally by the use of the phrase "other mineral," of any other substance is significant, and clearly demonstrates an intention to limit such reservations to the substances specifically mentioned—that is, coal and asphalt.

To make productive the property or things thus declared to be, and reserved from allotment as, the common property of the members of the tribes, provision was made for granting privileges or leases for mining these substances. All these provisions, except two, mention specifically and only "coal and asphalt." Nothing in said

agreement was to impair "the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress," and such interests were to be "assured by new leases from such trustees of coal or asphalt claims described therein." This provision does not apply generally, but is limited to the class of leases described; that is, those which had been assented to by act of Congress, so that there is yet no general provision as to any substance other than coal and asphalt. Immediately following the provision last referred to is the statement:

All leases under this agreement shall include the coal or asphaltum or other mineral, as the case may be, in or under nine hundred and sixty acres, which shall be in a square form as nearly as possible, and shall be for thirty years.

This is the first and only time the word "mineral" appears in said agreement in connection with any general provision relating to leases for mining purposes, and if there is any authority for giving a lease for mining any substance other than coal and asphalt, except as an assurance of rights under a lease of oil or other mineral assented to by act of Congress, it rests upon the phrase "other mineral," injected into this clause defining the extent of the territory to be covered by a lease for mining purposes. It being possible that some leasehold interests had been theretofore assented to by Congress involving the right to mine other mineral, and it being deemed advisable to avoid any misunderstanding as to claims of that class, the phrase "other mineral" was inserted where it is found. It was certainly never intended by the insertion of this phrase in the sentence defining the extent of leases to enlarge all the provisions preceding it, and to authorize leases for mining substances which it is clearly intended shall go with the title to the land to the respective allottees.

After a careful consideration of this matter I am of opinion and advise you that there is no authority under the provisions of said agreement for giving leases for the purpose of mining any substance other than coal and asphalt, except as an assurance of rights under a lease of oil or other mineral, assented to by act of Congress.

**Creek and Cherokee leases.**—The Department, November 4, 1898, promulgated regulations governing the leasing of mineral lands in the Creek and Cherokee nations in accordance with the provisions of section 13 of the act approved June 28, 1898. No leases for the mining of minerals of any character in either of said nations have been approved by the Department; but the inspector reported, December 1, 1899, that he had given Mr. John Bullette, a Delaware Indian, temporary permission to mine coal in a certain locality in the Cherokee Nation and that similar permission had been granted to W. S. Edwards, a Cherokee citizen, who desired to supply coal to a railroad that was in the course of construction, and the inspector requested that his action be approved. Under this temporary permission said parties were to pay the rate of royalty prescribed by the regulations of November 4, 1898, and the permits were subject to cancellation at any time the Department deemed it advisable. Office report of December 7, 1899, recommended that the inspector's action be approved, and the Department, December 12, authorized him to issue the permits "upon the conditions stated, namely, that they may be revoked at any time in the discretion of the Secretary, and that each party shall pay a royalty of 10 cents per ton as prescribed in the general regulations."

The inspector reported February 17, 1900, that he had also given H. E. Brown temporary permission to mine and ship coal in the Creek Nation and that permission of the same character had been given to Mrs. Texanna Wooley to mine coal on the land she proposed to take as her allotment in the Cherokee Nation, and requested that his action in these cases be approved. In accordance with office recommendation of March 13, 1900, the Department, March 16, approved the action of the inspector.

It was afterwards found that the temporary permission granted Mr. Edwards was in reality permission for the Horse Pen Coal and Mining Company, of which Mr. Edwards was president, to mine coal in the Cherokee Nation. In his report of January 13, 1900 (referred to this office by the Department February 21), the inspector stated that the temporary permission granted through him to Mr. Edwards or the Horse Pen Coal and Mining Company by the Department December 12, 1899, had been revoked by him, for the reason that Mr. S. M. Porter, of Caney, Kans., who was acting as attorney for the coal and mining company, was at the same time attorney for a Mr. Morris, who was interested in laying out the "town site" of Collinsville, and also for the Kansas, Oklahoma Central and Southwestern Railroad Company, to which said coal company was furnishing coal; also that Mr. Porter, as the representative of Mr. Edwards, complained to the inspector that one Mr. French was laying out a town site on land on which Edwards desired to mine coal. The inspector therefore suggested that the "Horse Pen Mining Company not be permitted to mine coal further in the Cherokee Nation other than to take coal which they had already stripped."

Office report of March 9, 1900, recommended approval of Inspector Wright's recommendation as follows:

In view of the fact that Mr. Porter is attorney for, and a partner of, Mr. Morris in the town-site transaction, attorney for the coal company, and also for the railway company, and that he did not advise Inspector Wright of the business relations existing between him and Mr. Morris when he complained of Mr. French's action, it would seem that he has acted in bad faith. Therefore this office concurs in Inspector Wright's suggestion, and recommends that the temporary permission heretofore granted Mr. Edwards, or the Horse Pen Coal and Mining Company, to take coal from certain Cherokee lands be revoked.

March 30, 1900, the Department approved the inspector's action.

In my last annual report the status was given of the applications of the Cudahy Oil Company, the Cherokee Oil and Gas Company, and Benjamin D. Pennington, for oil leases covering a large number of tracts of 640 acres each, aggregating altogether about 183,000 acres of land in the Cherokee and Creek nations. These companies have since applied to the Department for a rehearing of their applications, which was granted; but this office is unadvised as to what action has been taken thereon by the Department.

Certain Cherokee and Creek citizens opposed the granting of those leases, as did also the Delaware Indians, through their local representative, Mr. Richard C. Adams, a Delaware Indian.

Article XV of the treaty between the United States and the Cherokee Nation, concluded July 19, 1866, provides in part that—

The United States may settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands east of 96°, on such terms as may be agreed upon by any such tribe and the Cherokees, subject to the approval of the President of the United States, which shall be consistent with the following provisions, etc.

The fourth article of the treaty concluded July 4, 1866, between the United States and the Delaware tribe provides that—

The United States agree to sell to the said Delaware Indians a tract of land ceded to the Government by the Choctaws and Chickasaws, the Creeks, or the Seminoles, or which may be ceded by the Cherokees in the Indian country, to be selected by the Delawares in one body in as compact a form as practicable, so as to contain timber, water, and agricultural lands, to contain in the aggregate, if the said Delaware Indians shall so desire, a quantity equal to one hundred and sixty (160) acres for each man, woman, and child who shall remove to said country, at the price per acre paid by the United States for the said lands, to be paid for by the Delawares out of the proceeds of sales of lands in Kansas heretofore provided for. The said tract of country shall be set off with clearly and permanently marked boundaries by the United States; and also surveyed as public lands are surveyed, when the Delaware council shall so request, when the same may, in whole or in part, be allotted by said council to each member of said tribe residing in said country, said allotment being subject to the approval of the Secretary of the Interior.

The fifth article of said treaty declares that—

The United States guarantee to the said Delawares peaceable possession of their new home herein provided to be selected for them in the Indian country, etc.

Pursuant to the provisions of these two treaties, the Cherokee and Delaware Indians entered into an agreement on April 8, 1867, which was approved by the President April 11, 1867. Said agreement provides that the Cherokee tribe—

Agree to sell to the Delawares, for their occupancy, a quantity of land east of the line of the 96° west longitude, in the aggregate equal to 160 acres of land for each individual of the Delaware tribe who has been enrolled upon a certain register made February 18, 1867, by the Delaware agent, and on file in the office of Indian Affairs, being the list of the Delawares who elect to remove to the "Indian country," to which list may be added, only with the consent of the Delaware council, the names of such other Delawares as may, within one month after the signing of this agreement, desire to be added thereto; and the selections of the lands to be purchased by the Delawares may be made by said Delawares in any part of the Cherokee Reservation east of said line of 96°, not already selected and in possession of other parties; and in case the Cherokee lands shall hereafter be allotted among the members of said nation, it is agreed that the aggregate amount of land herein provided for the Delawares, to include their improvements according to the legal subdivisions, when surveys are made (that is to say, 160 acres for each individual), shall be guaranteed to each Delaware incorporated by these articles into the Cherokee Nation.

Section 25 of the act of Congress approved June 28, 1898, provides—

That before any allotment shall be made of lands in the Cherokee Nation, there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the one hundred and fifty-seven thousand six hundred acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April eighth, eighteen hundred and sixty-seven, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said agreement.

It also authorized and empowered the Delaware Indians to bring a suit in the Court of Claims within sixty days from the passage of the act against the Cherokee Nation “for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation” under the agreement quoted above. The Delaware Indians began suit accordingly against the Cherokee Nation, and that suit is yet pending, and was pending at the time of the hearing before the Department on the application of the companies above mentioned for oil leases. The Delaware Indians, through their representatives, took the ground that the Department ought not to grant leases of oil or other mineral substances in the Cherokee Nation until such time as the courts had fully adjudicated the rights of the Delawares under their agreement of April 8, 1867, with the Cherokee Nation.

#### COLLECTION OF REVENUES.

As stated in my last annual report, the agent for the Union Agency, July 23, 1898, was given preliminary instructions relative to the collection of revenues, royalties, etc., arising under contracts, leases, and laws in the several nations in accordance with the provisions of the Curtis Act. The agent has continued to collect the revenues and taxes of all kinds for the Creek and Cherokee nations. In the Choctaw and Chickasaw nations the only revenues thus far collected by the officers of the Department are those arising from coal and asphalt mined.

**Merchandise and cattle tax.**—August 4, 1899, the inspector for the Indian Territory submitted a report on the following subjects:

- (1) The enforcement of the tax imposed by the laws of the Cherokee Nation on merchants within that nation; and
- (2) The enforcement of a tax under the laws of the Cherokee Nation on the introduction of cattle into that nation and the grazing of the same by citizens.

After quoting from the Cherokee laws, he suggested that he be authorized to close the places of business of any citizen of the Cherokee Nation who refused to pay the tribal tax prescribed by the laws of that nation, and that, after proper notice had been given such citizen, he be removed from the Territory in accordance with the provisions of section 2149 of the Revised Statutes of the United States.

As to the second point, the inspector requested to be advised whether

he should "seize and hold all cattle held and grazed in the Cherokee Nation by citizens thereof upon which the payment of the tax levied is refused, after due notice, until the tax is paid, or remand such cases to the United States court for the enforcement of the penalty provided by section 2117 *supra*, or whether the citizens of that nation could be removed therefrom who persist in refusing to comply with their own tribal laws."

In its report of September 20, 1899, the office concurred in the inspector's suggestions on the first point, and recommended that the authority requested by him be granted.

As to the second, the office stated—

There is no doubt that the tax due to the nation should be paid, and I do not see that anything satisfactory would result by the seizure of the cattle unless there be authority to sell the same in satisfaction of the tax. The law of the nation on this subject does not contemplate the sale of cattle to satisfy a debt to the nation in taxes, and the office has very great doubt whether this Department could authorize a sale for the purpose.

There is no question, however, that it would be advisable to remand all cases of the introduction of cattle or the grazing of cattle in the Cherokee Nation, over which the United States courts would have jurisdiction under section 2117 of the Revised Statutes, to those courts for the imposition of the penalty provided in the statute; and I doubt very much whether the introduction of cattle by a citizen of the Cherokee Nation, although in violation of the laws of that nation, would be in violation of section 2117 of the Revised Statutes of the United States, and constitute an offense over which the courts of the United States would have jurisdiction.

As to this, therefore, it is recommended that the inspector be advised that, on account of the limitation as to his force of Indian policemen, it is not deemed expedient to attempt to enforce the cattle-tax law against citizens of the Cherokee Nation by attempting their removal as a punishment for their failure to comply with the law, but that it is the desire that he shall exercise every authority reasonable to effect the collection of these taxes; also that he be instructed to report to the United States attorney for the northern district of the Indian Territory all actual cases which amount to a violation of section 2117 of the Revised Statutes, and request him to bring suit under that statute for the enforcement of the penalty provided.

By Department letter of September 22, 1899, the inspector was advised as follows:

There can be no doubt of the correctness of the conclusion expressed by you, and concurred in by the Indian Office, relative to the enforcement of the tax laws of the Cherokee Nation. Said taxes are required to be collected under the direction of the Secretary of the Interior in accordance with the provisions of section 16 of said act of June 28, 1898, and departmental regulations thereunder of July 21 and 26, same year.

You are therefore authorized to close the place of business of any citizen of said nation who refuses to pay the tax due under said regulations, after due notice shall have been given, and, if necessary, to use the Indian police for such purpose; and the persons refusing to pay said tax should also be notified in writing that in case said tax is not paid on or before a certain day named in said notice they will be recommended for removal under the provisions of said sections 2147 and 2149 of the Revised Statutes.

With reference to the tax due under said laws of the Cherokee Nation on the intro-



duction of cattle, there does not appear to be any good reason why all persons owing said taxes should not pay the same when they become due. The taxes are lawfully imposed, and persons refusing to pay the same are unquestionably liable to be removed under the provisions of said sections 2147 and 2149, and also the cattle which are illegally within said nation.

On July 1 last the Assistant Attorney-General for the Interior Department rendered an opinion relative to the application of the Arkansas Valley Telephone Company to extend its lines through the Otoe, Missouria, and Ponca Indian reservations, and it appearing that two telephone lines had already been built across Indian reservations it was held that the opinion of Assistant Attorney-General Shields for the Interior Department, rendered October 19, 1889, construing said sections 2147 and 2149, was correct, in which he held that—

Whether a person is in an Indian country without authority of law, or whether his presence within the limits of the reservation is detrimental to the peace and welfare of the Indians, must be determined primarily by the enlightened judgment of the Commissioner of Indian Affairs. But, if so found, with the approval of the Secretary of the Interior, the offending person or persons may be summarily removed from any tribal reservation.

It was also stated that said opinion of Assistant Attorney-General Shields "has received the approvals of several Secretaries of the Interior." It was further stated in said opinion:

While authority is thus explicitly given to remove persons from tribal reservations, I am not aware of any express statutory authority for the removal therefrom of the property of trespassers. I think, however, that such express authority is not necessary. The authority to remove property brought upon a reservation without authority of law, or the presence of which upon a reservation is detrimental to the peace and welfare of the Indians, seems necessarily to follow from the authority to remove persons under like circumstances, and from the general power of management of Indian affairs with which the Commissioner of Indian Affairs, acting under the direction of the Secretary of the Interior, is clothed.

This opinion was approved by the Secretary on the same day.

Under the rulings of the courts and the Department there is no question as to the authority for the removal of any person and his property who may be in the Cherokee Nation contrary to law, or whose presence is detrimental to the best interests and welfare of the Indians.

You are therefore authorized to give a like notice to the citizens of said nation who refuse to pay taxes levied for the introduction of cattle in said nation in accordance with said Cherokee laws and said regulations.

The recommendation of the Acting Commissioner, that you "be instructed to report to the United States attorney for the northern district of the Indian Territory all actual cases which amount to a violation of section 2117 of the Revised Statutes," is approved, and you will act accordingly.

June 21, 1900, the inspector reported relative to the collection of the tribal merchandise tax and of the royalty on hay in the Cherokee Nation. He stated that, if the Department should be found to have full authority to make regulations relative to the payment of the tribal taxes and to remove parties and their effects from the Cherokee Nation and Indian Territory, he would recommend that he be authorized, with the aid of the United States Indian police or such other assistance as it might be necessary to employ, to proceed to remove any cattle in the possession of citizens or noncitizens within the limits of the Cherokee Nation upon which taxes had not been paid.

The inspector also stated that one W. C. Rogers, a mixed-blood

citizen of the Cherokee Nation, was the proprietor of stores at Talala and other places in the Indian Territory and persistently refused to pay the merchandise tax in accordance with the Cherokee law. Accordingly the inspector, acting under Department instructions of September 22, 1899, instructed Revenue Inspector Churchill to direct Indian Policeman West to close Mr. Rogers's merchandise establishment at Talala. June 8, 1900, Judge Joseph A. Gill, one of the Federal judges for the northern district of the Indian Territory, on the application of Mr. Rogers, issued a temporary injunction enjoining and restraining Revenue Inspector Churchill, Agent Shoenfelt, and the inspector from the collection of said tribal merchandise tax from Rogers, and the case was set for hearing on July 7, 1900.

The inspector suggested that, on account of the importance of the case, the Department of Justice be requested to direct the United States district attorney for the northern district of Indian Territory to have it taken up and disposed of at the earliest practicable date, and that he be further advised as to the desire of the Department in the matter of the collection of the tribal taxes of the Cherokee Nation. Office report of June 22, 1900, recommended that the case be taken up at an early date and suggested that Department letter of September 22, quoted above, covered fully the subject of the collection of tribal taxes.

The Department, by letter of July 5, 1900, advised the inspector that—

The Department knows of no good reason why the taxes due the Cherokee Nation should not be collected in accordance with the instructions heretofore given; and if parties owning cattle refuse to pay the tribal tax thereon, then you are authorized to remove said cattle with the United States Indian police; but if it shall be found impossible to remove said cattle, in case the parties liable therefor refuse to pay the tribal taxes, you will make special report to the Department in order that appropriate action may be taken relative to the employment of additional and sufficient force to carry out the orders of the Department. Parties should be duly advised of the action proposed to be taken by the Department, in order that summary proceedings may not be taken in the premises if the same can be avoided.

On the 3d instant you were instructed with reference to collection of royalty on hay as follows:

In event of attempted shipment of hay over the St. Louis and San Francisco Railroad or any other railroad which may be placing obstacles in the way of collecting royalty, the agent should not make a constructive seizure of the hay, which in fact leaves it in the care on the tracks and in the possession of the company, but should literally take the hay into his possession.

It is earnestly desired by the Department that the tribal taxes shall be collected promptly and efficiently, and to use summary measures only when the same become imperatively necessary.

July 12, 1900, the inspector telegraphed the Department as follows:

Before taking action removing cattle, Cherokee Nation, per Department letter 5th, please carefully consider section 16, Curtis Act, whether tax is due on cattle held on citizens' shares land, or if on all cattle in nation, regardless where located, etc.

To this the Department replied July 16, 1900, and, after reviewing the instructions contained in former letters, said:

The modification of the regulations of the Department of July 21 and 26, 1898, in said departmental decision of May 18, 1899, only extended to the case of the Creek Indians where they had entered into leases under the rules and regulations of October 7, 1898, and this modification was made for the reason that the tax of \$2 required by section 334 of the Creek laws was in effect prohibitory and ought not to be enforced so as to prevent the individual Indian from reaping the benefit intended to be secured to him on account of the leasing of his pro rata share for grazing purposes.

Upon a careful consideration of the whole matter the Department sees no reason for modifying the former instructions given to you, and you are accordingly advised that the tax on cattle imposed by the laws of the Cherokee Nation should be collected impartially from everyone owing said tax. There is an additional reason why said tax ought to be collected, in this, that by section 577 of said article and chapter "forty per cent of all revenue arising under the operation of this act shall be placed to the credit of the school fund and the remainder to the general fund."

The efforts of the Government to collect the cattle tax have met with reasonable success, and there have been collected from this source during the year \$1,956.

The injunction case of *Rogers v. Churchill* and others, above mentioned, was recently decided by Judge Gill in favor of Rogers, and the injunction was made permanent. The opinion of the court in this case will be found on page —. The matter is now pending on appeal.

**Hay tax.**—The laws of the Cherokee Nation impose a tax of 20 cents per ton in the form of royalty on all hay shipped out of the nation. This was discussed and much correspondence on the subject was given in my last annual report. September 23, 1899, the inspector reported to the Department the difficulties that were being experienced in the collection of royalties on hay shipped out of the Creek and Cherokee nations, and stated that these difficulties were increased by reason of the fact that the management of the different railroad companies passing through said nations had first instructed their agents not to receive any hay for shipment until they were satisfied that all royalties due thereon had been paid, and had afterwards revoked said instructions and directed their agents to accept all hay offered for shipment. The inspector cited the second article of the Cherokee treaty of July 15, 1866 (14 Stats., 799), and suggested that it might be possible, under the provisions of that treaty, to compel the railroad companies passing through the Creek and Cherokee nations to refuse to accept hay for shipment on which the royalties had not been paid.

In its report of October 10, 1899, this office said:

It is not seen how a revenue law of any of the Five Civilized Tribes could be held to be a part of the Indian intercourse laws, and the refusal of a railroad company to assist in the collection of these revenues would not be, in the opinion of this office, a violation of the Indian intercourse laws.

This office has also been unable to find anything in the statutes granting the various railroad companies rights of way through the Indian Territory, or in the general

laws of the United States which would warrant the Government in undertaking to compel said companies to refuse to receive hay for shipment until the royalties required by the laws of the nations have been paid. It is thought, however, that if the Secretary of the Interior would instruct Inspector Wright to communicate with the managers of the companies, laying the whole situation before them, and request the issuance of such instructions as were first issued by them, this request would be complied with. \* \* \*

As to the matter of extreme measures, the Department has already authorized the inspector to remove two parties who persisted in ignoring his authority and in shipping hay without the payment of the royalty. This authority of the Department was telegraphed to Inspector Wright on September 27, 1899.

October 13, 1899, the Department advised the inspector as follows:

The Department is not prepared to concur in the statement made by the Acting Commissioner relative to the lack of legal authority to require said railroad companies to refuse to remove hay from the Cherokee Nation upon which the tax has not been paid. If the Department is required to collect said taxes, as seems to be the case under the provisions of section 16 of the act of Congress approved June 28, 1898 (30 Stat., 495), then it is authorized to take such measures as may be necessary to insure the collection of said taxes, and there does not seem to be any good reason why the railroad companies should be permitted to take hay out of the Territory upon which the taxes have not been paid, any more than would be applicable to individuals seeking to carry away hay cut from the domain of the Cherokee Nation upon which the tax had not been paid; but it is not necessary at this time to pass upon that question. It is sufficient for the present to have the whole matter presented to the several railroad companies by you with a request that they issue instructions to their agents not to receive hay for shipment until proper evidence is produced that said tax has been paid. The Department concurs in the belief expressed by the Acting Commissioner that the railroad companies will comply with said request, and in case any of them refuse so to do you will report the matter at once for further action by the Department.

July 10, 1900, the inspector submitted correspondence between himself and Mr. Clifford L. Jackson, general attorney for the Missouri, Kansas and Texas Railroad Company, wherein Mr. Jackson stated that for a long time, acting upon the suggestion and request of the inspector, the company had refused to receive for shipment hay cut from Cherokee lands until it was shown that the royalty on the hay offered for shipment had been paid, and that by reason of this action the competing lines were transporting nearly all of the hay that was shipped beyond the limits of the Cherokee Nation. He therefore asked the inspector to withdraw his request that the company require parties offering hay for shipment to produce satisfactory evidence that the royalty had been paid. The inspector stated that July 9, 1900, he had replied to Mr. Jackson as follows:

The request heretofore made of your road is hereby withdrawn until such time as other roads in the Indian Territory shall take action in reference to the request theretofore made of them not to ship hay until the royalty thereon had been paid,

and he recommended that the Department communicate with the St. Louis and San Francisco Railroad Company with a view to getting them

to agree not to accept any hay for shipment until royalty had been paid thereon.

In office report of July 16, 1900, it was stated—

If the Department adheres to the opinion expressed in its letter of July 22, 1899, to Inspector Wright, that royalty should be paid on all hay shipped from the Cherokee Nation, whether cut from lands in the possession of a prospective allottee or not, then I respectfully recommend that Inspector Wright's request that a letter be sent direct from the Department to the St. Louis and San Francisco Railroad Company be complied with; and further that Inspector Wright be instructed that he should cause all such hay to be seized wherever it can be found, and that he be furnished with all assistance possible for the enforcement of the collection of such taxes. If, on the other hand, it should be held that royalty is not due to the Cherokee Nation on hay cut from land held by a prospective allottee because of the previously mentioned provisions of section 16, then I respectfully recommend that the Department cease its attempts to collect such royalty, because it is not likely that any land which produces prairie hay in paying quantities is not held by prospective allottees.

July 18, 1900, the Department replied to the inspector as follows:

On October 13, 1899, the question of the collection of royalty imposed by the Cherokee tribal law on hay shipped from said nation was again considered by the Department, and the opinion was expressed that when the whole matter was presented to the several railroad companies by you, with request that they issue instructions to their agents not to receive hay for shipment until proper evidence was produced that said royalty had been paid, the companies will comply with said request, and that in case any of them refused so to do, you will report the matter at once for further action by the Department.

Moreover, in said letter of July 3 last, express directions were given you relative to the seizure of hay attempted to be shipped over the St. Louis and San Francisco Railroad, "or over any other railroad" upon which the royalty tax had not been paid.

In view of these express directions given to you the Department considers that the withdrawal of the request to the Missouri, Kansas and Texas Railroad Company, reported by you, was unauthorized, and hence the Department on the 17th instant wired you to revoke the same and to seize all hay attempted to be shipped in the Cherokee Nation upon which the royalty tax had not been paid. The fact that the St. Louis and San Francisco Railroad Company failed or refused to comply with the request of the Department is not considered a sufficient reason for withdrawing the request heretofore made by the Department not to receive hay for shipment upon which the royalty tax had not been paid.

Herewith you will find a letter addressed to the general attorney of the St. Louis and San Francisco Railroad Company and a letter addressed to the general attorney of the Missouri, Kansas and Texas Railroad Company, requesting them not to receive for shipment hay cut from lands in the Cherokee Nation until evidence is shown that the royalty tax has been duly paid.

The attorneys of these roads have since advised the Department that they will require their agents to comply with the Department's request, and it is not anticipated that there will be any further trouble in the collection of the royalty on hay shipped from the Creek and Cherokee nations.

The royalty collected on hay shipped from the Cherokee Nation during the past year amounts to \$4,474.88.

September 27, 1899, the inspector reported that one F. M. Smith, a resident of Vinita, Cherokee Nation, Indian Territory, was shipping hay from within the limits of that nation upon which the royalty had not been paid and the office, with the approval of the Department, telegraphed the United States Indian agent for the Union Agency October 21 as follows:

It being my judgment that the continued presence of F. M. Smith in the tribal reservation known as the Cherokee Nation is detrimental to the peace and welfare of the Indians, I hereby direct, with the approval of the Secretary of the Interior, that you remove said Smith from the Cherokee Nation, in accordance with the provisions of section 2149 of the Revised Statutes of the United States.

Accordingly the Indian agent caused Mr. Smith to be removed beyond the limits of the Cherokee Nation and Indian Territory. Subsequently he returned to the Cherokee Nation and was arrested under section 2148 of the Revised Statutes of the United States, which is as follows:

If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country he shall be liable to a penalty of one thousand dollars.

The case came on for hearing before the court, Judge William Springer presiding, on October 2, 1899, and the defendant, by his counsel, filed a motion to vacate the order of the court under which he was arrested on the ground that said order of arrest was not "predicated upon a sworn complaint and for the further reason that the complaint as made" did "not charge a criminal offense." The court held that—

The order for the arrest of the defendant was properly made, and the motion to vacate that order is overruled, and the defendant is ordered to plead to the information.

The text of the opinion of the court will be found on page —.

Mr. Smith was tried before a jury, and the office has informal information that the court instructed the jury that the only question for it to determine was whether or not he had been removed and had returned. The jury were unable to agree upon a verdict. The case against him was subsequently dismissed, and he was again removed from the Cherokee Nation, but was afterwards permitted to return temporarily because of the illness of certain members of his family. He recently asked to be allowed to return and remain, promising to comply in the future with Department regulations, and the Department recently directed the inspector to permit him to return to his home.

**Tribal taxes, Choctaw and Chickasaw Nations.**—The laws of the Choctaw Nation provide that noncitizens shall pay a tax of 1½ per cent on the value of goods introduced by them for sale in that nation, and the Chickasaw laws require that noncitizens engaged in business in the

Chickasaw Nation shall pay a tax of 1 per cent on the amount of their capital stock invested. As already stated, the Government has never collected any of the rents, royalties, or taxes in the Choctaw and Chickasaw nations accruing by reason of noncitizens being engaged in business within the limits of said nations, except the royalty on coal and asphalt. All other taxes, royalties, and rents have been collected by the national collectors of those nations.

The national collectors have experienced considerable difficulty in collecting what is known as the merchandise tax, and the inspector June 22, 1900, forwarded a letter from the governor of the Chickasaw Nation, in which he requested that 47 citizens, whose names were given, be removed from the limits of that nation for the reason that they had refused to pay the merchandise tax in accordance with Chickasaw laws. The inspector also transmitted clippings from different newspapers in the Indian Territory, which were to the effect that certain merchants residing in Ardmore had assembled a mass meeting and protested against the payment of the merchandise tax, and had agreed to contribute one-sixth of the amount for the purpose of contesting in the courts the legality of the collection of that tax. The inspector requested to be advised as early as practicable whether the tribal laws were to be further enforced. July 3, 1900, the office reported to the Department as follows:

Without entering into any discussion of the matter under consideration, and as it is of great importance, I recommend that the whole subject be referred to the Assistant Attorney-General for the Interior Department with request that he advise you whether or not, in view of the fact that the Choctaw and Chickasaw agreement provides that the Choctaw and Chickasaw tribal governments "shall continue for the period of eight years from the 4th day of March, 1898," and that section 26 of the Curtis Act provides, "That on and after the passage of this act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in the Indian Territory," it is incumbent on the Government to collect or assist in collecting taxes from merchants and others in accordance with the laws of the Choctaw and Chickasaw nations.

If it should be determined that it is the duty of the Government to collect or assist in the collection of said taxes accruing under the laws of the Choctaw and Chickasaw nations, I favor the use of such force in accordance with law as may be necessary to properly collect said taxes.

July 16, 1900, the Department replied that on the 13th of that month the Assistant Attorney-General had rendered an opinion relative to the right to collect taxes from citizens who had purchased lots in towns in the Indian nations, generally, which would answer the questions submitted as to the Choctaw and Chickasaw nations. That opinion, which sustains the legality of the tax, is published in full in this report on page —.

July 26, 1900, the inspector advised the Department that a large number of merchants residing in Ardmore, Chickasaw Nation, Ind. T., had refused to pay the tribal tax in accordance with the laws of that nation and he forwarded a letter from Governor Johnston, of the

Chickasaw Nation, requesting that the parties, about 90 in all, be removed. The governor also complained of persons who had large herds of cattle grazing on the lands of the Chickasaws upon which no tax had been paid. August 2, 1900, the inspector transmitted a list of about 500 persons residing at various places in the Chickasaw Nation who had refused to pay the permit tax, and invited attention to section 9 of the act of the Chickasaw legislature approved by the President on January 19, 1899 (see Chickasaw Laws, 1899 edition, p. 440-441), and recommended that the Department issue a proclamation giving the noncitizens notice that unless they paid their tax within thirty days from the date of such proclamation they would be removed from the limits of the nation. The office, in transmitting these two reports to the Department, August 7, 1900, said:

The office does not think that the Government should in any manner shrink from the responsibility of enforcing the laws in the various nations in the Indian Territory; but as the matter of the removal of noncitizens from the Chickasaw Nation, according to the reports of the inspector inclosed herewith, is one of great magnitude, it is thought by the office that the inspector's suggestion relative to the issuance of a proclamation should receive very careful consideration. If the Department shall decide to cause the removal of the parties mentioned, it would seem that Agent Shoenfelt should be directed to attempt the removal of the said parties with the means at his command, and if unable to do so peaceably he should report the matter to the Department for further directions.

August 4, 1900, the inspector forwarded a list of 86 persons, non-residents of the Choctaw Nation, who, after proper demand had been made, had refused to pay the taxes due that nation, and inclosed a request from the principal chief of the Choctaw Nation that these persons be removed from the limits of that nation for the reason that their presence therein was "detrimental to the peace and welfare of the Indians."

All of the correspondence was submitted by the Department to the Attorney-General for an opinion relative to the "duties, powers, and authority" of the "Department in the matter of the collection of the permit tax imposed by the laws of the respective Indian nations in the Indian Territory known as the Five Civilized Tribes upon noncitizens engaged in various pursuits within the territorial limits of such nations," and an answer to the following questions was requested:

Have these nations the right to require noncitizens to pay a permit tax or license fee for the privilege of engaging in business within their boundaries?

Does the provision of the act of June 28, 1898, allowing others than citizens to purchase town lots occupied by them, constitute a recognition by Congress of their right to be and remain in such nation and have the effect of relieving them from the payment of the permit tax?

Does the actual purchase of a town or city lot, sold under the provisions of the act of June 28, 1898, relieve a noncitizen from the payment of such tax or fee?

Can a noncitizen be lawfully permitted to hold and pasture cattle upon the lands of such nation without paying the tax prescribed by the nation for such privilege?



Has this Department authority under the law to remove a noncitizen who refuses to pay such tax?

Has it authority in the case of a merchant refusing to pay such tax, to close his place of business or to remove his stock of merchandise beyond the limits of the nation?

Did the Indian Territory, by reason of the provisions of the act of June 28, 1898, authorizing the sale of town lots to noncitizens, cease to be Indian country, so that the provisions of sections 2147-2150, Revised Statutes, do not apply thereto?

Will the lands of any nation in which a town or city is located cease to be Indian country, so as to remove them from the jurisdiction and operation of these tribal laws, when the lots in such town or city shall have been sold under the provisions of said act of 1898?

What is the full scope of the authority and duty of this Department in the premises under the treaties with these nations and the laws of the United States regulating trade and intercourse with the Indians?

The opinion of the Attorney-General rendered September 7, 1900, holds that—

under the provisions of section 2147 to 2150, inclusive, of the Revised Statutes of the United States \* \* \* the authority and duty of the Interior Department is, within any of these Indian nations, to remove all persons of the classes forbidden by treaty or law who are there without Indian permit or license, to close all business which requires a permit or license and is being carried on there without one, and to remove all cattle being pastured on the public land without Indian permit or license, where such permit or license is required.

The opinion is published in full in this report, on page —.

**Bank tax in the Creek Nation.**—Section 246 of the Laws of the Creek Nation provides for a tax on each banking establishment of “one-half of 1 per cent of capital stock invested—assessment to be made on the bank on account of the shares thereof.” (See Creek Laws, 1893 edition, p. 87). The inspector, July 28, 1899, reported to the Department that the different taxes, prescribed by the laws of the Creek Nation on noncitizens doing business within the limits of that nation, were being collected, and that the revenue collectors had made demand upon all banks within the limits of said nation for the payment by them of the tax prescribed by Creek laws, and that the banks claimed that they were exempt from the payment of the tax by reason of the fact that they were national banks. The inspector requested to be advised whether or not the national banks were liable for the tax as prescribed by the laws of the Creek Nation. Office report of August 9, 1899, to the Department, quoted from a letter of November 5, 1893, to Agent Wisdom, of the Union Agency, relative to the same subject, as follows:

The Comptroller of the Currency of the United States, in a letter of January 21, 1893, advised this office, through the Department of the Interior, that it has been held by the courts that under the United States Statutes a tax upon the capital stock of a (national) bank “in solido” is void, and that the only tax permitted by the United States Statutes is upon the shares of stock of a national bank in the hands of and owned by individuals; also that the statutes of some States provide for

the payment of a tax upon shares of stock by the bank, so as to avoid the delay and embarrassment connected with the collection of an assessment from nonresident shareholders, and this mode of collection by State authorities has been held valid; that it was held in the "*National Bank v. Commonwealth*" (9 Wallace, 353) that a State tax upon shares is valid though the tax is collected from the bank, and the State may require the bank to pay a tax rightfully laid upon the shares; that national banking associations can not be subject to a license or a privilege tax (*Mayor v. First National Bank of Macon*, 59 Ga., 648; *City of Carthage*, 71 Mo., 508; *National Bank of Chattanooga v. Mayor*, 8 Heiskell, 814); but it has been held that "where the State banks are taxed upon the capital no tax can be imposed upon the shares of national banking associations" (3 Wallace, 573, and 4 Wallace, 459).

While, therefore, it would seem that the Chickasaw Nation would be precluded, under the statutes of the United States, from imposing a permit tax on national banks within that nation, the said nation may impose a tax upon the stock of the bank held by individuals and require the bank to pay the same, unless there be banks established under the authority of the laws of the nation which are taxed upon their capital stock.

The office therefore took the position that, because of the peculiar language of the law of the Creek Nation taxing national banks, such banks would be exempt from taxation, "inasmuch as it appears that the rule is—a tax on the capital stock of a bank in solido is void; and such is apparently the tax authorized to be assessed by the Creek laws."

Department reply, August 15, 1899, to the inspector, held as follows:

Upon a fair construction of said provision of the Creek law that the tax required to be paid to said nation is intended to be a tax on the shares of said bank and not on its capital, the expression, "On each banking establishment one-half of 1 per cent of capital stock invested," is evidently the measure of the tax to be collected; and the succeeding expression, "Assessment to be made on the bank on account of the shares thereof," shows that the intention is to tax the shares, and not the capital, of the bank. It is not suggested that there are any banks authorized by the laws of the Creek Nation which are taxed upon their capital stock, nor does it appear that the taxation discriminates in any way against the national banks over banking institutions which may be operated under other authority.

The provision of the law of the Chickasaw Nation upon which said letter of the Comptroller of the Currency is based is not set out, but a reference to section 2 of the act of said nation of October 7, 1876 (p. 92, edition 1890), shows that a tax was required of 1 per cent "of the amount of capital invested annually." If this be the provision under which the tax was levied for the Chickasaw Nation it is quite manifest that it was a tax on the capital, and not on the shares of the bank stock, as in the Creek Nation.

You are advised, therefore, that the national banks doing business in the Creek Nation "are liable to the tax as prescribed by the Creek laws."

November 3, 1899, the inspector requested to be further advised relative to collecting tax from national banks doing business within the limits of the Creek Nation, and forwarded a communication, dated the day previous, from P. L. Soper, United States district attorney for the northern district of the Indian Territory, in which Mr. Soper reached the conclusion that the tax was illegal. The subject was submitted to the Assistant Attorney-General for the Interior Department for an opinion relative to the validity of the tax, and January 25, 1900,

he rendered an opinion, which was approved by the Department on the same day, that "the Creek law in question, if attempted to be applied to national banks, would come in conflict with the laws of the United States." The opinion is published in full in this report, page —.

**Business permits in the Creek Nation.**—In my last report the case generally known as the "lawyers' tax case" was discussed, and it was stated that certain lawyers residing in the Creek Nation had refused to pay the tax of \$25 prescribed by the laws of that nation; that the attorneys who were dissatisfied with the rulings of the Department in the case had sought by a bill in equity to enjoin the inspector and the Indian agent from the collection of this tax, and that Judge Thomas, before whom the application was made, had dismissed the bill and sustained the position taken by the Department. From this decision of the court the complainants appealed to the United States court of appeals in the Indian Territory, and that court, in an opinion rendered by Clayton, J., on January 6, 1900, concurred in by the other justices, affirmed the decision of the lower court in "sustaining the demurrer to the complaint and dismissing the case." The full text of this opinion is printed in this report, and it may also be found in 54 S. W. Reporter, 807.

#### TIMBER.

The last session of Congress passed an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900 (31 Stat., 660). The act authorizes the Secretary of the Interior to prescribe regulations for the procurement, from lands of the Five Civilized Tribes, of timber and stone for domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways, to be used only in the Indian Territory, and to fix the full value thereof and to collect it for the benefit of the tribes. It also prescribes as penalty a fine of not more than \$500, or imprisonment for not more than twelve months, or both, for the cutting, sale, or removal of the timber contrary to the prescribed regulations. The text of the act will be found on page —.

The regulations and prescribed forms of applications, contracts, and bonds will be found on page —. So far as this office is advised, no applications for timber or stone contracts have been submitted since the approval of these regulations.

#### THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

**Personnel.**—In November, 1893, Hon. Henry L. Dawes, of Massachusetts, Archibald S. McKennon, of Arkansas, and Meredith H. Kidd, of Indiana, were appointed members of the Commission to the Five Civilized Tribes. Mr. Kidd resigned, and April 13, 1895, Frank C.

Armstrong, of the District of Columbia, was appointed to succeed him. By the sundry civil act of March 2, 1895, the commission was increased to five members, and April 13, 1895, Thomas B. Cabaniss, of Georgia, and Alexander B. Montgomery, of Kentucky, were added to it. Subsequently Mr. Cabaniss resigned, and May 19, 1897, Mr. Tams Bixby, of Minnesota, was appointed, and in October, 1897, Mr. Thomas B. Needles, of Illinois, was appointed in place of Mr. Montgomery, who had resigned. By a clause in the Indian appropriation act of July 1, 1898, the membership of the commission was reduced from five to four, and Mr. Frank C. Armstrong tendered his resignation. June 5, 1900, Hon. Clifton R. Breckenridge, of Arkansas, was appointed a member of the commission to succeed Archibald S. McKennon, who had resigned. The commission now consists of Henry L. Dawes, Tams Bixby, Thomas B. Needles, and Clifton R. Breckenridge.

**Enrollment of Cherokee Freedmen.**—Section 21 of the Curtis act provides among other things that the commission “shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six.”

October 16, 1899, Mr. Bixby, acting chairman, and October 18, 1899, Mr. McKennon, reported relative to the construction of the decree of the Court of Claims in the case of Moses Whitmire, trustee, etc., *v. The Cherokee Nation*. They were unable to agree upon a construction of the portion of section 21 above quoted when considered with the opinion of the court in the case. Mr. Bixby took the position that it was the duty of the commission to enroll all persons whose names appeared on the Cherokee roll of 1880 and their descendants since born, and to hear claims of all other freedmen and colored persons who claimed to have lived in the Cherokee Nation “at the commencement of the rebellion and resided therein July 19, 1866, or returned thereto within six months thereafter, and their descendants who are settled and incorporated into the Cherokee Nation.” Mr. McKennon took the position, and stated that Mr. Needles agreed with him, that it was incumbent upon the commission to enroll all persons whose names were found on the Cherokee freedmen roll of 1880 who were alive at the time the Clifton roll was made, namely, May 3, 1894, and the descendants of those persons whose names appeared on the roll of 1880 who were born subsequent to the date of the roll and who were alive on the 3d day of May, 1894, and no others, and that those persons whose names were placed upon the roll then in course of preparation should constitute the roll of Cherokee freedmen entitled to share in the distribution of the Cherokee lands to which the Cherokee freedmen were entitled.

Office report of November 3, 1899, held that it was the duty of the commission to enroll all persons whose names appeared on the Clifton

roll, and that their descendants, in the absence of established fraud, were entitled to enrollment, and that all Cherokee freedmen and other free colored persons whose names did not appear on that roll and their descendants who were able to establish by positive evidence that they or their ancestors "resided in the Cherokee country at the commencement of the rebellion and resided therein July 19, 1866, or returned thereto within six months thereafter" were entitled to enrollment, provided they had not expatriated themselves under the provisions of the Cherokee constitution and had not been readmitted to citizenship in accordance with the constitution and laws of the Cherokees.

The Department, by letter of November 23, 1899, to the commission, held that it was the duty of the commission to enroll all persons whose names were found on the roll of 1880 and their descendants who were alive at the time the commission prepared its roll and to exclude from the roll prepared by it the names of all persons of either class who had "forfeited or adjured their citizenship;" and further, that while it was the duty of the commission to take the roll of 1880 as a basis, it would be justified in examining other rolls for such information as might assist it in its work, and that the right of any person to enrollment depended upon the fact of whether or not his name or the name of his ancestor from whom he claimed appeared on the authenticated roll of 1880.

This subject was again considered by the Department, and on the 11th of last May above instructions were revoked and it was held that the roll of 1880 made by the Cherokee Nation was to be accepted by the commission as conclusive of the right of all persons whose names were found on that roll and of their descendants to be enrolled by the commission, and that the only duty of the commission was to determine who of the persons named on said roll and their descendants were alive at the time the commission prepared its roll, and to place those names thereon, omitting all who had "forfeited or adjured their citizenship." The Department also directed that the roll prepared by the commission should include the names of all Cherokee citizens "who are or were freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion and residents therein at the date of said treaty (treaty of July 19, 1866), or who returned thereto within six months thereafter and their descendants."

**Choctaw citizenship.**—June 21, 1899, the Department forwarded to the commission a communication from Messrs. Dudley & Michener, of this city, with which was inclosed the petition of John Skaggs, a member of the Choctaw tribe, requesting "the enrollment as members of that tribe of ten of his minor children," whose names were set forth in the petition. The Department subsequently received a letter from Messrs. Dudley & Michener, stating that they were in receipt of a

communication from Mr. McKennon, of the commission, in which it was stated:

The application of these minor children does not disclose the fact that they are children by the white wife of John Skaggs; \* \* \* that no application was filed with the commission in behalf of these children. \* \* \* We are lectured because of the assumption by the commission that the children of a white wife are not entitled to citizenship in the Choctaw Nation. \* \* \* The courts have all held that John Skaggs was and is a citizen of the Choctaw Nation, and he has been enrolled as such, and so has the baby born since the judgment of the court, the mother of that baby being the white wife who is the mother of the other ten children to whom this commission refuses the right of citizenship. If Skaggs and the eleventh child have the rights of citizenship in the Choctaw tribe, it dates from his marriage with the Choctaw woman, and so it was held by the courts. That woman died, and he married a white woman, and eleven children have been born to them. The father and the eleventh child are enrolled as citizens, but the remaining ten minor children living with that father and mother are denied those rights.

July 24, 1899, the Department advised the commission that if this was a case requiring action under section 21 of the act of June 28, 1898, it should make a record thereof, in order that the case might be properly reviewed by the Department, if necessary, when the rolls were transmitted for approval.

October 16, 1899, Messrs. Dudley & Michener complained to the Department that Skaggs and family had presented themselves to the commission for enrollment; that their applications had been rejected, and that the commission had declined to receive "papers offered by them, which they claimed tended to establish their right to enrollment." October 19, 1899, the complaint was referred to the commission, and October 31 the acting chairman reported that on October 12 Skaggs appeared before the commission and upon his application a record was made as follows:

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,  
*Tuskahoma, Ind. T., October 12, 1899.*

In the application of John Skaggs for the enrollment of his children as Choctaws, being sworn and examined by Commissioner McKennon, he testifies as follows:

- Q. What is your name?—A. John Skaggs.  
Q. How old are you?—A. Fifty.  
Q. You are a white man?—A. Yes, sir.  
Q. You were once married to a Choctaw woman?—A. Yes, sir.  
Q. Was she recognized as a Choctaw citizen?—A. Yes, sir.  
Q. Is she living or dead?—A. Dead.  
Q. Did you live with her until she died?—A. Yes, sir.  
Q. When did she die?—A. She died November, 1874.  
Q. Have you married since that time?—A. Yes, sir.  
Q. Did you marry a white woman?—A. Yes, sir.  
Q. Is she living?—A. Yes, sir.  
Q. Have you children by her?—A. Yes, sir.  
Q. Give their names and ages.—A. Frank Skaggs, 17 years old; Maggie Skaggs, 16 years old; Jesse Skaggs, 15 years old; Clarence Skaggs, 13 years old; Jennie Skaggs, 12 years old; John Skaggs, jr., 7 years old; Ruth Skaggs, 4 years old; Berties Skaggs, 2 years old.

Q. These children are the children of your white wife?—A. Yes, sir.

Q. They have no Indian blood in them?—A. No, sir.

Q. They are white children?—A. Yes, sir.

Commissioner McKENNON. Their enrollment will be refused.

This record, in the opinion of the commission, embraced every material fact in the petition sought to be filed. Office report of November 13, 1899, stated that from the statements of the acting chairman and the evidence furnished by him it appeared that the commission had inquired into the facts in the case to an extent sufficient to make a record therein, and that under the law and the instructions any affidavit or other properly executed papers having any bearing on the subject tendered the commission by Skaggs should be received and filed as a part of the record in the case.

The Department, by letter of December 26, 1899, addressed to the acting chairman of the commission, held that—

A fair interpretation of the opinion of March 17, 1899, by the Assistant Attorney-General is that the question of citizenship can not be reopened by new applications, and that only citizens specifically provided for in the act of June 28, 1898, can be enrolled. All applicants for enrollment must, under the regulations approved August 8, 1899, present themselves in person, and whenever it appears to the commission that it is without jurisdiction it should deny the application and should file and retain such papers as have been presented in support of the application and should make a complete record of the matter, explicitly stating therein the grounds upon which the application is denied, and should advise the parties in interest, in writing, of the decision, in order that they may understand fully the cause of rejection, and in order that the matter may be considered by the Secretary of the Interior when the rolls are presented for approval.

By a provision in the act of June 7, 1897 (30 Stats., 62, 84), the commission was required to investigate and report whether the "Mississippi Choctaws under their treaties are not entitled to all the rights of Choctaw citizenship except an interest in the annuities." By the act of June 28, 1898 (30 Stats., 495), the commission was required to identify the Mississippi Choctaws.

Early in October, 1899, Messrs. Howe & Hudson filed in this office applications on behalf of Isaac Morgan and others and Sarah A. McDonough and others for identification by the commission as Mississippi Choctaw Indians, who claimed the right to enrollment as citizens of the Choctaw Nation under the fourteenth article of the treaty of 1830. These applications were submitted to the Department October 13, 1899, with the statement that it was shown that the applicants had moved to the Choctaw Nation, and it seemed that the commission had made no investigation relative to ascertaining whether or not they were descendants of Mississippi Choctaws, and the question was raised whether the commission was carrying out the instructions previously given by the Department. The papers were, October 17, 1899, transmitted by the Department to the commission with the statement that the Department had universally advised parties desiring information rela-

tive to individual applications for enrollment that no action would be taken until the rolls were finally submitted to the Department for consideration in accordance with the provisions of the act of Congress approved June 28, 1898. October 31, 1899, the commission returned the applications, together with a copy of the record in each case. In the application of Isaac Morgan the record was as follows:

## COMMISSION TO THE FIVE CIVILIZED TRIBES,

*Caddo, Ind. T., August 24, 1899.*

In the application of Isaac Morgan for enrollment as a Choctaw, being sworn and examined by Commissioner McKennon, he testifies:

- Q. What is your name?—A. Isaac Morgan.  
 Q. How old are you?—A. Fifty-five.  
 Q. You claim Choctaw?—A. Yes, sir.  
 A. Are you on any of the rolls of the Choctaw Nation?—A. No, sir.  
 Q. Have you ever been?—A. No, sir.  
 Q. Have your parents ever been in the Choctaw Nation here?—A. My grandfather is.  
 Q. In the Choctaw Nation here?—A. Yes, sir.  
 Q. What do you know about him of your own knowledge?—A. Nothing; I never saw him in my life; I know just what my mother says.  
 Q. Where is she?—A. She is dead.  
 Q. How long has he been dead?—A. I don't know, sir.  
 Q. How long has your mother been dead?—A. About ten years.  
 Q. Your mother was a colored woman?—A. Yes.  
 Q. She was a slave, was she?—A. She was a half-breed.  
 Q. Her mother was a slave?—A. Yes, sir.  
 Q. And your mother was a slave?—A. Yes, sir.  
 Q. And your mother belonged to old man Pitchlynn?—A. Yes, sir; she and my grandmother, too.  
 Q. Which Pitchlynn was that?—A. William Pitchlynn.  
 Q. Where did he live?—A. In Mississippi, at Catalpa.  
 Q. Where do you live now?—A. I am living down here at Arthus, Tex.  
 Q. How long have you been living there—all your life?—A. No, sir; I come from Mississippi there.  
 Q. When?—A. I was about 17 when I come there.  
 Q. And have you lived there ever since?—A. Yes sir.  
 Commissioner McKennon. Your enrollment is refused.

In the case of McDonough, the following record was made:

## COMMISSION TO THE FIVE CIVILIZED TRIBES,

*Caddo, Ind. T., August, 1899.*

In the application of Sarah A. McDonough for enrollment as a Choctaw, being sworn and examined by Commissioner McKennon, she testifies:

- Q. What is your name?—A. Sarah McDonough.  
 Q. How old are you?—A. Fifty-three.  
 Q. Are you on the Choctaw rolls?—A. No, sir.  
 Q. Have you ever been?—A. No, sir.  
 Q. Are your father and mother on the Choctaw rolls?—A. No, sir; my brother is.  
 Q. Where do you live?—A. I live on the other side of Ardmore, in the Chickasaw Nation.  
 Q. How long have you lived there?—A. We have lived there about a year.  
 Q. When did you come to the nation?—A. In the winter of 1897.



Q. What month did you come?—A. January, 1898.

Q. On last January?—No, sir; it was last January a year ago.

Q. Where did you come from?—A. We came from Texas.

Q. You were born and raised in Texas?—A. I was born in Tennessee.

Q. What time did you go to Texas?—A. I don't remember now.

Q. You were born in Tennessee and lived in Texas pretty much all your life?—A. We lived in the Territory a while.

Q. When?—A. In 1873.

Q. How long?—A. About two years.

Commissioner McKENNON. As you are not on the rolls, the Commission has no authority to enroll you. Your enrollment is therefore refused.

In its report the commission took the position that it was the duty of all applicants to appear in person and be examined under oath by the commission; that the statements of the applicants and their witnesses should be taken down and a record of the facts made, and that it was not the duty of the commission to receive and file written applications and affidavits. The regulations approved August 8, 1899, directed the commission to "require each applicant for enrollment to present himself in person before the commission at one of its appointments within the tribe," etc. The last paragraph of section 21 of the Curtis Act is in the following language:

The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall willfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense.

Office report of November 15, 1899, took the position that under the law it was the duty of the commission to receive and file "all affidavits and other properly executed papers tending to establish or disapprove any applicant's right to enrollment," and that from the language of the paragraph of the act above quoted "it would seem that said duty was not discretionary, but obligatory." Though there appeared to be a wide diversity between the allegations contained in the petitions and the sworn testimony given by the applicants as shown by the commission's report, this subject was not discussed, the cases being transmitted to the Department simply for the purpose of determining whether or not the commission had made such a record in the cases as would enable the Department to determine their respective rights when the rolls were finally submitted for approval. The Department, December 28, 1899, returned the petitions to the commission and invited its attention to Department letter of December 26, 1899, in the John Skaggs case, and directed the commission to govern itself accordingly.

**Agreements negotiated.**—In September, 1897, the commission entered into an agreement with the Creek Indians relative to the distribution of their lands in severalty, which agreement was ratified by Congress, but was not confirmed by a majority vote of the Creek Nation. Subse-

quently the commission entered into another agreement with that tribe, which was confirmed by the Creek Nation, but was not ratified by Congress. In March, 1900, another agreement with the Creek Indians was effected and submitted to Congress (House bill 11821), but has not yet been ratified.

During the month of February, 1899, the commission also entered into an agreement with the Cherokee Indians relative to the distribution of the landed property of that nation to the citizens thereof, which agreement was confirmed by the nation and was submitted to Congress with provision that it be ratified on or before March 4, 1899. The council of the Cherokee Nation subsequently extended the time for its ratification to July 1, 1899, but no action thereon was taken by Congress. In March, 1900, another agreement was entered into between the commission and the Cherokee Indians, which was submitted to Congress (H. R. 11820) and is still pending.

November 8, 1899, the commission transmitted an agreement with the Seminole Indians relative to fixing a time after which no persons should be enrolled as Seminole citizens, and providing for the distribution of the estates of Seminole citizens who died subsequently to the 31st of December, 1899.

Office report of December 7, 1899, invited attention to the fact that the agreement provided that the lands, money, and other property of a Seminole who died subsequently to the 31st of December, 1899, should descend to his heirs in accordance with the laws of the State of Arkansas relative to the descent and distribution of the estates of deceased persons, except that in cases where the property of the deceased would descend under those laws to the parents of the deceased it should "first go to the mother instead of the father, and then to the brothers and sisters and their heirs instead of the father." The office then suggested that the Department should be fully advised by the commission as to the reason for inserting such a clause in the agreement. The office also invite attention to the fact that the agreement provided for the closing of the rolls on December 31, 1899, and as the agreement would probably not be confirmed by Congress at that time, it was suggested that a date should be fixed for the closing of the rolls subsequent to the date of the confirmation of the agreement by Congress.

In reply to Department inquiry of December 9, 1899, the commission reported, December 21, the reasons for inserting the provision as to the settlement of the estates of deceased Seminole citizens. They were considered satisfactory and were as follows:

First. Children under the Indian laws follow the mother and are enrolled with her. Second. In nearly all cases where white persons have married with Seminole Indians the father is a white man and the mother is a Seminole Indian by blood.

If the property of the child were to go to the father, it might under said laws go from him to his white children, if he should have any, and thus be taken from the Indians to whom it belongs. It is insisted by the Seminoles that it would be unfair

to them, and that the property should descend to the Seminoles by blood, which is thought by this commission to be a good and sufficient reason for the provision in question.

This agreement was confirmed by the act of Congress approved June 2, 1900 (31 Stats., 250).

**Grazing leases.**—The regulations of the Department governing the selection and renting of prospective allotments by citizens of the Indian Territory, approved October 7, 1898, provided that—

Selections of land may be so made by any members of the several tribes in quantities not to exceed 160 acres to each Creek, 80 acres to each Cherokee, 240 acres to each Choctaw and each Chickasaw, and 40 acres to each Choctaw and each Chickasaw freedman.

March 18, 1899, the regulations were so amended as to permit each Choctaw and Chickasaw citizen, freedmen excepted, to select, instead of 240 acres, 160 acres as a homestead from the lands upon which he had improvements. This amendment also provided that any citizen who failed or refused to make such selections for himself and family within four months from the date of the location of a land office within the tribe of which such citizen was a member would be deemed to have elected "to hold the 40-acre subdivision upon which his residence or most valuable improvement is located." Also, that where a citizen of any tribe desired to select lands occupied by another citizen of such tribe, he should be required to give the occupant "ten days' notice of the time of filing his application, and if upon hearing of evidence adduced by both parties the commission is satisfied that such lands are held by the occupant contrary to the provisions of sections 16 and 17 of the act of Congress, June 28, 1898, certificates of selection shall be issued to said applicant, subject to the right of appeal as in other cases."

April 7, 1899, the Department also amended the regulations relative to the selection of preliminary allotments by the Creek and Cherokee citizens. The amount that each was entitled to select was not changed, but all the rest of the amendment of March 18, 1899, as to Choctaw and Chickasaw homesteads was made applicable to the Creek and Cherokee Indians.

The regulations of October 7, 1898, after describing the manner in which preliminary allotments may be selected, state:

No contract for rent of any selection so made shall be valid or binding unless for adequate consideration and made in writing in duplicate and deposited in the office of said commission in which the selection was made. Said commission, after investigation, shall forward same to the Secretary of the Interior for his approval, and when approved it shall be returned to such office of the commission, to be by it delivered to the parties, one copy to each.

It will thus be seen that the Department held that to make binding a lease of the lands in the possession of any citizen as his *pro rata* share or preliminary allotment such lease must have the approval of the Department.

February 2, 1900, the commission quoted certain parts of said regulations and stated that "the opinion quite generally exists that the Secretary has no authority to make such a ruling, and that the approval of the Secretary is not essential to the legality of such contracts," and the commission requested to be furnished with a legal opinion on this point, or that other steps be taken by the Department to dissipate the existing impression.

February 14, 1899, the Department referred the matter to the Assistant Attorney-General, and April 4, 1900, the Assistant Attorney-General rendered an opinion, which was approved by the Department on the same date, which concludes as follows:

After a careful study of this matter I have not found any provision of law that in terms or by necessary implication directs that a contract for the renting of lands selected as proposed allotments shall be subject to the approval of the Secretary of the Interior.

Since the date of that opinion no contracts covering prospective allotments of any citizens of the nations have been submitted to the Department for approval.

**Applications for enrollment.**—The Indian appropriation act approved May 31, 1900 (31 Stats., 221), contains the following provision:

Said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: *Provided*, That any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void.

June 19, 1900, the commission transmitted to the Department papers from which it appeared that on June 12, 1900, Charley C. Yeiser appeared before Tarms Bixby, the enrolling member of the commission, at Colbert, Chickasaw Nation, Indian Territory, and made application to be enrolled as a citizen by blood of the Choctaw Nation, whereupon the following record in the case was made:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
*Colbert, Ind. T., June 12, 1900.*

In the matter of the application of Charles C. Yeiser for enrollment as a citizen by blood of the Choctaw Nation. R., 578.

Charley C. Yeiser, being first duly sworn by Acting Chairman Bixby, testified as follows:

Q. What is your name?—A. Charley C. Yeiser.

Q. What is your age?—A. Forty-six years.

Q. What is your post-office address?—A. Colbert, Ind. T.

Q. Have you ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation?—A. No, sir.

Q. Have you ever been enrolled by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation?—A. No, sir.

Q. Does your name appear on the tribal rolls of the Choctaw Nation?—A. No, sir.

(The tribal rolls of the Choctaw Nation examined and the name of Charley C. Yeiser not found thereon.)

Q. Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Choctaw Nation under the act of Congress approved June 10, 1896?—A. No, sir.

(The citizenship record of the Commission to the Five Civilized Tribes, under act of June 10, 1896, examined and the name of Charley C. Yeiser not found thereon.)

Q. Were you admitted by the United States court for the Indian Territory, upon an appeal from the Commission to the Five Civilized Tribes, as a citizen of the Choctaw Nation under the act of June 10, 1896?—A. No, sir.

(The court records examined and the name of Charley C. Yeiser not found to have been admitted by a judgment of the United States court for the Indian Territory.)

Your application for enrollment as a citizen of the Choctaw Nation is refused for the reason that under the act of Congress approved May 31, 1900, the Indian appropriation bill, this commission has no authority to receive, consider, or make any record of the application of any person for enrollment of any tribe in the Indian Territory, as a citizen thereof, who has not been recognized as a citizen thereof and duly enrolled or admitted as such. Said law further provides that the refusal of this commission to entertain your application shall be final when approved by the Secretary of the Interior.

In the event that you should desire to appeal from this decision to the Secretary of the Interior, you are at liberty to do so, and this commission will transmit this decision refusing your application, together with any argument in support of such appeal as you may desire to transmit, to the honorable Secretary of the Interior.

Office report of June 30, 1900, took the position that the commission asked Mr. Yeiser all questions necessary to determine whether or not he was entitled to enrollment as a member of the Choctaw Nation provided his answers to such questions were true; also that the commission is vested by law with certain judicial powers in enrollment matters and that it should consider such case far enough to determine whether or not it had jurisdiction. The office was unable to ascertain any just cause which Mr. Yeiser had for complaint of the action of the commission and recommended that the commission be "directed to continue to treat like cases in the same manner." By Department letter of July 12, 1900, to the commission, the recommendation of this office was approved.

August 6, 1900, referring to Department letter of July 12, the acting chairman of the commission asked instructions relative to the matter of making a record of applications for citizenship in any of the Five Civilized Tribes and referred to a clause in the Indian appropriation act as follows:

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any applica-

tion of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior.

He also referred to Department telegram of June 9, 1900, which was as follows:

Commission should make memoranda of the facts and its reason for refusal to consider or make record of application of any person for enrollment. Its investigation should extend "to all facts necessary to a complete knowledge of applicant's claim." Provision referred to does not enlarge authority of commission "heretofore conferred on it by law," except as to Mississippi Choctaws.

The commission desired information upon the following points:

1. In cases where on the second appearance of the applicant when the first appearance of the applicant was prior to May 31, 1900, and the commission finds that it has no jurisdiction, should the investigation of the commission "extend to all facts necessary to a complete knowledge of the applicant's claim," or should the commission determine whether it has jurisdiction, and if not, decline to receive or file any papers or to make a record of the case?

2. In cases in which hearings were had at Atoka and Colbert during the month of June, 1900, or at the general offices at Muskogee since May 31, 1900, and prior to the receipt of the decision in the Charles C. Yeiser case, and the commission finds that it had no jurisdiction, should the cards on which the names of such applicants appear be destroyed and the files in these cases converted to memoranda, and all papers filed in such cases be returned to the applicants?

3. In cases which were heard by the commission prior to the 31st day of May, 1900, and in which the commission had no jurisdiction, should the commission keep in its file all papers which have been filed, and continue to accept and file such papers as may be offered by the applicants in the future?

Office report of August 8, 1900, stated that in the opinion of this office it was the duty of the commission to elicit from the applicants all the facts necessary to determine whether or not the commission should make a record; that it should learn the nature of the claim made by the applicant, as was done in the Yeiser case; and that when it was perfectly clear to the commission that the applicant could not be enrolled, even though all the facts stated by him were true, it should refuse to take any further testimony. The office also suggested that it would be well to advise the applicant that if he desired to do so he could appeal to the Department from the decision of the commission.

August 21, 1900, the Department replied to the commission's inquiries as follows:

As to your first inquiry, the Department agrees with you that the instructions in the Skaggs case of December 26, 1889, should be carried out, as at the original hearing, prior to the act of May 31, 1900, parties were not permitted to file papers as they should have been.

As to your third, you should keep all papers that have been filed, and accept any proper ones that may be offered.

As to your second, the Department has to state that in such cases, when the commission, in accordance with the act of May 31, 1900, has determined that a party

"has not been a recognized citizen" and "duly and lawfully enrolled or admitted as such," except in cases otherwise provided for in the act of June 28, 1898 (30 Stats., 495), and has made a proper memorandum, its investigation should cease, and the memorandum, together with any evidence upon which the commission has based its rejection, should be transmitted to the Department in due time, provided the party indicates a desire to have you pursue that course.

Cases not transmitted to the Department in proper condition will have to be remanded, and it is hoped the commission will use every effort to prevent such delays as would arise in that event.

The Department did not concur in office suggestion that applicants should be advised that they were at liberty to appeal from the decision of the commission, for the reason that it was held that it had uniformly been the practice of the Department not to pass upon the right of any applicant for enrollment until such time as the rolls should be submitted for final action.

**Conflicting allotments.**—Numerous contests between Creek citizens in the selection of their prospective allotments have been filed with the commission. In some instances the losing parties have appealed to this office from the decision of the commission, but the decision of the commission has generally been sustained by the office.

One case, that of Phœbe Tucker, contestant, *v.* Gabriel Jamison, contestee, involving the right of each to select the SE.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 26, T. 16, R. 18, as a prospective allotment, was appealed by Jamison from the decision of this office to the Department. In this case the commission, after having heard the testimony and arrived at certain conclusions of fact, found in favor of the contestant, Phœbe Tucker, and it was ordered "that the certificate heretofore issued to said contestee, Gabriel Jamison, be canceled." This office affirmed the decision of the commission. The Department, however, reversed that decision, and in letter of August 10, to this office, stated that "as a matter of fact, the allotments referred to in said section (section 11 of the Curtis Act) are not yet being made. No agreement of the Creeks has as yet been ratified, and it is not known what quantity of land each member will be entitled to take, or how the selections for final allotment will be made." The Department held that from the testimony it was clear that Sandy Tucker, the husband of Phœbe Tucker, because of his improvements and occupancy of the tract, might have held it under the provisions of section 16 of the act, or might have selected it as a part of his allotment, but that he had voluntarily relinquished his claim to Jamison, and for these and other reasons the Department directed "that Jamison's selection of this tract be allowed to stand."

**Appraisement of Choctaw and Chickasaw lands.**—The Choctaw and Chickasaw agreement provides—

That all the lands within the Indian Territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands.

The Department, May 15, 1900, directed the commission to report what consideration, in its judgment, should be "given to the appraisement of lands where known minerals exist other than coal and asphalt." This action was taken by reason of the opinion of the Assistant Attorney-General of May 11, already quoted on page 126, that there was no authority under the agreement for the Department to lease any mineral substance "other than coal and asphalt, except as an assurance of rights under a lease of oil or other mineral, assented to by act of Congress." The commission replied July 8, 1900, that—

After very careful and thoughtful consideration the commission has arrived at the conclusion that in the valuation and distribution of the lands of the Choctaws and Chickasaws all mineral substances other than coal and asphalt should be ignored, and the land appraised from the standpoint of its fertility and location only, and allotted to citizens in rightful possession regardless of the existence of mineral other than coal and asphalt.

Office report of July 18 concurred in the recommendation of the commission, but the Department did not approve it, and on July 24 instructed the commission as follows:

The Department desires that you direct the appraisers to ascertain and report, as near as may be, the kinds, character, and quantity of mineral, other than coal or asphalt, wherever the same occurs upon the tracts examined by them, and that your commission will take into consideration said reports and secure any other additional evidence you may desire concerning the tracts reported to contain known mineral other than coal and asphalt, and adjust the values of said tracts in the same manner that you adjust the values of tracts on account of "the location of the land."

The Department also stated that it was not desired that the commission should consider "mere croppings or indications of mineral other than coal and asphalt," which would only have the effect of giving a fictitious or speculative value to the lands upon which such croppings or indications were found and also to the adjoining lands.

**Miscellaneous.**—As yet no rolls of the members of any of the Five Civilized Tribes have been received by the Department. It is informally understood, however, that the Seminole rolls will shortly be transmitted. No final allotments to any of the members of the tribes have been made. The commission is now engaged in completing the rolls in the various nations and in classifying and appraising the lands.

From the fact that the Choctaw and Chickasaw agreement and the Curtis Act require that the lands belonging to the different nations shall be allotted to the citizens thereof according to its value, it becomes necessary to go upon and examine each quarter section in order to arrive at a conclusion as to its value. Under the rules and schedule for grading and appraising lands in the Choctaw and Chickasaw nations, approved by the Department June 19, 1899, and rules for the same purpose applicable to the Creek Nation, approved September 6, 1900, the appraisers in the field do not fix the value of land with reference to



its location and proximity to market. This is arranged by the commission after the appraisers have fixed the value of the land according to the character and fertility of the soil.

#### TOWN SITES.

Last year's annual report mentioned the appointment of four town-site commissions—one for the Choctaw Nation, consisting of Dr. John A. Sterrett, of Ohio, and Mr. Butler S. Smiser, of Atoka, Ind. T.; one for the Chickasaw Nation, consisting of Samuel N. Johnson, of Troy, Kans., and Wesley Burney, of Ardmore, Ind. T.; one for the town of Muscogee, Creek Nation, consisting of Dwight W. Tuttle, of Connecticut, and John Adams and Benjamin Marshall, of the Indian Territory, and one for the town of Wagoner, consisting of Dr. Henry C. Linn, of Washington, D. C., and John Roark and Tony Proctor, of the Creek Nation. These commissions, with the exception of the Muscogee town-site commission, which was recently furloughed by the Department, are still engaged in their respective duties.

**Choctaw town-site commission.**—This commission commenced work at the town of Cale (now Sterrett), Choctaw Nation, about May 31, 1899, and completed it about the 18th of August, 1899. Sterrett has a population of about 800 inhabitants, and, as surveyed and platted by the commission, consists of 480 acres. The plat was approved by the Department August 28, 1899. The lots in Sterrett, improved and unimproved, were sold for an aggregate sum of \$17,780.36.

The commission next took up the work of surveying and platting the town of Atoka, which has a population of about 1,200 and an area, as surveyed and platted by the commission, of 272 acres. The commission entered upon its labors at Atoka about September 1, 1899, and completed the surveying and platting of the town about November 6. The improved lots were sold for an aggregate sum of \$23,861.03. The unimproved lots have been advertised for sale, but have not yet been sold. The plat of Atoka, as prepared by the commission, was approved by the Department February 23, 1900. Subsequent to its approval certain residents of Atoka applied to Hon. William H. H. Clayton, United States district judge for the central district of the Indian Territory, for an injunction restraining the commission from selling the lots, which was intended, also, to prevent the recognition of the approved plat of Atoka. The court denied the injunction and held that the appraisal of lots is a matter that rests solely within the discretion of the town-site commission.

About November 8, 1899, the commission commenced work at South McAlester, which is understood to be the largest town in the Choctaw Nation, having a population of about 5,000 and an area, as agreed upon by the commission, of 3,200 acres. The inspector estimates that the

commission will be able to complete the survey and the appraisal of the lots of South McAlester about the first of next November.

At the same time this commission has also been engaged in supervising and establishing the exterior limits of towns in the Choctaw Nation. They entered upon this work about March 15, 1900, and the exterior limits of the following towns have been established, namely: Calvin, Allen, McAlester, Guertie, Poteau, Grant, Howe, and Kiowa.

The towns of Calvin, Guertie, McAlester, Grant, Poteau, and Kiowa have taken advantage of the rulings of the Department allowing any towns in the Choctaw and Chickasaw nations to be surveyed at their own expense, and it is understood that the survey of these towns is practically completed. This subject is also referred to on page 159.

**Chickasaw town-site commission.**—The commission reached Colbert, Chickasaw Nation, May 23, 1899, and remained there looking over the ground and consulting with the inhabitants of the town relative to their desires, until about June 9, 1899, when the actual work of surveying and platting was commenced. The plat was approved by the Department August 14, 1899. Colbert has a population of about 200 inhabitants, and the area thereof, as agreed upon by the commission and approved by the Department, consists of 129.74 acres. The lots in Colbert, improved and unimproved, were sold for an aggregate sum of \$5,175.75.

The commission next visited Ardmore, Chickasaw Nation, which is supposed to be the largest town in the Indian Territory, it being understood to have a population of about 7,500. It commenced work there September 1, 1899, and has since been engaged in surveying and platting the town. The area of Ardmore, as agreed upon by the commission, consists of 2,260.06 acres.

September 1, 1900, the commission transmitted the plat of Ardmore, with a list, in quadruplicate, of the owners of improvements on lots in that town. Office report of September 7, 1900, invited the attention of the Department to the fact that the commission had not complied with the Department's instructions of July 1, 1899, relative to the maximum size of lots in the town of Colbert, which were to the effect that business lots should have a width of 25 by a depth of 150 feet, and residence lots a width of 100 by a depth of 150 feet, each lot to contribute its proportionate share to the width of alleys established, or as nearly that size as practicable, "having regard to the interests of the parties residing in the town," and having "due regard to the convenience of the parties in the establishment of alleys and streets." Whole blocks, varying in size from 300 by 400 feet, to 533 by 600 feet, were scheduled by the commission as one lot to the owner of the improvements.

The Choctaw and Chickasaw agreement provides that the owner of improvements may purchase one residence and one business lot at 50 per cent of their appraised value, and the remainder of the property

which he has improved at 62½ per cent of its appraised value. The agreement does not fix the maximum or minimum size of lots, but, as the Department had fixed the maximum size of lots for the town of Colbert, this office knew of no reason why these instructions should not have been applied to lots in Ardmore. It was therefore recommended that the plats be returned and the commission instructed to subdivide all blocks into lots in accordance with the instructions of July 1, 1899. September 11, 1900, the Department concurred in the recommendation of this office and also directed the inspector for the Indian Territory to instruct the commission to extend streets through certain blocks (which were mentioned), unless some good reason, unknown to the Department, existed why the same should not be done, in which case the commission should report on each individual case. Action in regard to large lots elsewhere, which was taken through the Inspector, is referred to under the heading "Lots of excessive size."

**Muscogee town-site commission.**—This commission was appointed in April, 1899. The plat of Muscogee, as prepared by the commission and approved by the Department, includes 2,444.76 acres. It was approved June 4, 1900. The appraisement of improvements and of lots, as fixed by the commission, have also been approved. The lots were appraised at an aggregate value of \$236,136.

Section 15 of the Curtis act provides that all unimproved lots shall be sold at public auction for not less than their appraised value, unless otherwise ordered by the Secretary of the Interior; also that owners of improvements on lots shall have the right to purchase such lots at 50 per cent of their appraised value, 10 per cent to be paid within two months from the date of notice of appraisement, 15 per cent within six months from that date, "and the remainder in three equal annual installments thereafter." In accordance with the directions of the Department the commission gave the occupants of improved lots notice of the appraised value of the lot or lots improved by each individual. August 23, 1900, however, the principal chief of the Creek Nation, in conjunction with N. B. Moore, a citizen of that nation and an occupant of an improved lot, sought a bill in equity in the United States court to enjoin the commission from advertising for sale or selling any lots, alleging that the Curtis act was illegal. August 25, 1900, the court, Hon. John R. Thomas presiding, granted the temporary injunction. The Department has recently furloughed the members of said commission indefinitely, without pay.

**The Wagoner town-site commission.**—This commission entered upon its duties early in August of last year, and it is understood that the exterior limits of the town site of Wagoner as agreed upon by the commission contains an area of about 2,700 acres. The plat of the town has not yet been received. It is informally understood, however, that it is almost completed.

**Survey of exterior limits of towns.**—The inspector for the Indian Ter-

ritory suggested March 6, 1900, that the town-site commissions be instructed to report to and be under his immediate supervision instead of reporting direct to this office. March 10, this office concurred in his suggestion, because it was thought that the inspector being on the ground would be able to harmonize any differences existing between inhabitants of a town or between the commission and the inhabitants relative to the survey of such town. March 26, the Department approved the recommendation, and the town-site commissions were instructed accordingly.

The Indian appropriation act approved May 31, 1900 (31 Stat. L., 221), contains a provision as follows:

Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said act of June twenty-eighth, eighteen hundred and ninety-eight, in the way of surveying, laying out, or platting town sites, appraising or disposing of town lots in any of said nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof.

It also provides that—

The Secretary of the Interior, where in his judgment the public interests will be thereby subverted, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

June 4, 1900, the Department instructed the inspector to direct the Choctaw and Chickasaw town-site commissions to proceed to establish the exterior limits of town sites in said nations, in accordance with the Department's instructions of March 9, 1900, and also to ascertain whether the authorities of any town desired to take advantage of the opportunity given it to do its own surveying and platting.

June 27, 1900, the inspector made the following suggestions:

First. To furlough both members of the Choctaw town-site commission, now at South McAlester, immediately.

Second. Then to employ, at the same salary now allowed, Mr. Smiser (at present commissioner on behalf of the Choctaw Nation) and direct him to proceed to the various towns and establish the exterior limits in the manner proposed in my letter of the 26th instant.

Third. To employ Dr. Sterrett (the other member of the commission), at the same salary now allowed, for the purpose of supervising the work at South McAlester and at the four other towns in the Choctaw Nation which are being surveyed and platted at their own expense.

Fourth. That the work in the Choctaw (Chickasaw) Nation be performed in the same manner.

Office report of June 30, concurred in the plan of the inspector except that instead of furloughing the Choctaw town-site commission the office recommended that Dr. Sterrett of the commission be permitted to complete the town-site work which the commission had already commenced, and that Mr. Smiser, the representative of the commission on behalf of the nation, be detailed to assist one of the town-site surveyors, who had been appointed by the Department in the establishment of the exterior limits of town sites in the Choctaw Nation.

June 6, the Department concurred in the suggestions of the inspector, and stated that it did not understand that there was any material difference between furloughing the town-site commission and detailing the Choctaw representative of that commission, and instructed this office to prepare instructions for the purpose of carrying this plan into execution.

July 11, 1900, this office submitted to the Department a draft of instructions to Mr. Smiser, detailing him to assist one of the town-site surveyors in the establishment of exterior limits of towns, and to Dr. Sterrett, directing him to proceed with the town-site work therefore commenced by the commission. The Department, however, concluded that it would be better to have the instructions directed to the United States inspector; and July 12 it directed the inspector to cause the establishment of the exterior limits of towns in the Choctaw and Chickasaw nations to be commenced as early as practicable, and to give the representatives of the nations proper instructions.

The representatives of the Choctaw and Chickasaw nations on the town-site commissions refused to assist in the establishment of exterior limits of towns, and the inspector was directed to have the same done by surveyors who had been previously appointed by the Department in accordance with the provisions of the Indian appropriation act. The act provides that the work of surveying and laying out town sites shall be done by competent surveyors appointed by the Secretary of the Interior. The following town-site surveyors have been appointed: E. E. Colby, John G. Joyce, jr., Thomas S. Leavitt, Joseph T. Payne, Frank Hackelman, and Henry M. Tucker, Missouri; John F. Fisher, Illinois; M. Z. Jones, Kansas; Harry Maxey, Oklahoma.

The inspector, August 7, 1900, transmitted a draft of "Instructions to town-site surveyors in the Choctaw and Chickasaw nations," and also a draft of "Instructions to towns making their own surveys." Office report of August 16 recommended that numerous changes be made in said drafts of instructions, and August 28 the Department concurred in the recommendations of this office and also modified the instructions in other particulars. The final instructions, which were approved August 28, 1900, are published in full in this report, page

**Parks.**—June 22, 1900, the inspector submitted a report, dated June 12, 1900, from the chairman of the Choctaw town-site commission, relative to setting aside land in South McAlester for park purposes. Office report of June 25, 1900, quoted from the Indian appropriation act of May 31, 1900, as follows:

The Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, etc.,

and stated that to set aside land for park purposes in towns in the Choctaw and Chickasaw nations would seem to be a violation of the terms of the Choctaw and Chickasaw agreement. The Department, however, by a letter of July 10, took the position that there was sufficient authority of law for the setting aside of lands for park purposes in towns in these nations, and directed the inspector to instruct the said town-site commissions to proceed accordingly.

July 19, 1900, the inspector requested to be advised whether land set aside for park purposes should be paid for at the rate of \$10 per acre, or whether it should be appraised by the commission and purchased by the town at that valuation. The office expressed the opinion that it should be paid for by the inhabitants of the town at the rate of \$10 per acre. The Department concurred, and, July 27, directed the inspector to instruct the town-site commissions accordingly.

The inspector reported August 1, 1900, that the principal chief of the Choctaw Nation insisted that the land set aside for park purposes should be appraised by the commission and sold in accordance with the law relative to the sale of unimproved lots, and that the Choctaw and Chickasaw nations would not agree to have any tract of land within any town donated for park purposes. With the inspector's report was inclosed a communication from Mr. Smiser, of the Choctaw town-site commission, in which he stated that the chairman of the commission was of the opinion that the commission could set aside any amount of unimproved land which the inhabitants of the town deemed necessary for park purposes, and the citizens of South McAlester asked that 150 acres be so set aside. This office reported, August 9, that it knew of no reason why the Department should not adhere to the position theretofore taken, that land set aside for park purposes should be paid for at the rate of \$10 per acre, but that only a reasonable amount should be so set aside, and the Department, by letter of August 13, concurred in that view.

August 8, 1900, the inspector again reported relative to the price to be paid for land set aside for park purposes in towns in the Choctaw and Chickasaw nations, and the Department, by letter of August 23, to the inspector, held that it was not the intention of the law that every town should have a park, and that when it should be considered necessary that land for park purposes be set aside, in most cases 10 acres would be sufficient.

**Lots of excessive size.**—The action of the Department, through the Chickasaw town-site commission at Ardmore, in regard to lots of excessive size, has already been given. June 28, 1900, the inspector forwarded a communication, dated June 5, 1900, from Mr. F. S. Genung, of South McAlester, and also a report, dated June 22, 1900, from Dr. Sterrett, chairman of the Choctaw town-site commission, relative to allowing Mr. Genung, as one lot, an area in the outskirts of the town of

South McAlester 300 by 375 feet, upon which he had certain improvements. The inspector recommended that Mr. Genung be allowed that area as one lot, and the recommendation was concurred in by this office July 6, and the Department directed the inspector, July 12, to instruct the Choctaw town-site commission accordingly. The office also recommended that a Mr. Sittle be allowed the area inclosed by him, provided it did not exceed that claimed by Mr. Genung; this was also allowed.

Subsequently numerous applications were submitted by parties residing in South McAlester to be permitted to purchase, at 50 per cent of their appraised value, lots of excessive size upon which they had improvements, among them the application of Mr. M. M. Winningham for an area 244 by 310 feet, and that of Mr. A. A. Billingsley for an area 260 by 340 feet. The chairman of the Choctaw town-site commission recommended that the request of the applicants be complied with, while Mr. Smiser, the representative of the commission on the part of the nation, in a letter dated July 25, 1900, addressed to the inspector, opposed permitting occupants of large tracts to purchase them at 50 per cent of their appraised value.

The office, in transmitting these applications in its report of August 16, took the position that the decision of the Department in the Genung case, which was doubtless based upon the recommendation of this office, was erroneous, for the reason that the law strictly provides that the owner of improvements may purchase one residence lot and one business lot at 50 per cent of their appraised value, and that he has the right to purchase all other lots upon which he has permanent improvements at 62½ per cent of their appraised value. This fact was not overlooked when the office made its recommendation in the Genung case, but it was thought that where property was in the outskirts of a town, and was improved to such an extent as Mr. Genung's appeared to be, a liberal construction of the law should obtain. It was, however, recommended that the instructions of the Department in the Genung case be revoked, and that the inspector be directed to instruct the town-site commission to survey all lots in towns in the Choctaw and Chickasaw nations in accordance with the directions of Department letter of July 1, 1899, which was to the effect that residence lots should have a width of 100 feet by a depth of 150 feet, and that business lots should be established 25 by 150 feet, each to contribute its proper share to width of alleys established. The Department concurred in these recommendations, and August 18 directed the inspector to instruct the town-site commissions in accordance therewith.

**New town sites.**—June 10, 1900, the inspector transmitted a copy of the opinion of the court for the southern judicial district of the Indian Territory, Judge Townsend presiding, in the case of the *United States et al. v. I. O. Lewis et al.*, which the inspector had caused to be brought for the purpose of restraining said Lewis from surveying, platting, and laying out a town site called Madill on certain lands

belonging to the Chickasaw Nation, in the possession of said Lewis and claimed by him as his pro rata share of the lands of that nation.

The inspector, July 17, transmitted certain correspondence relative to the establishment of that town by Lewis, among which was a communication dated July 10, 1900, from Mr. C. L. Herbert, of the firm of Furman, Herbert & Mathers, of Ardmore, who had represented the Government in the injunction application in the Lewis case. In Mr. Herbert's communication the law relative to town sites was fully discussed. Office report of July 24, 1900, took the position that Lewis was amenable under section 2118 of the Revised Statutes, and recommended that the United States district attorney for the southern district of the Indian Territory be requested, through the Department of Justice, to commence proceedings against said parties in accordance with provisions of that section. The Department, July 26, concurred in this recommendation, and the United States district attorney for the southern district of the Indian Territory was subsequently directed by the Department of Justice to commence proper proceedings. The Department, however, subsequently requested the Department of Justice to hold in abeyance the prosecution of Lewis and those interested with him in the establishment of said town site, which request the Department of Justice has complied with.

Various other parties have established new towns in different parts of the Indian Territory, and the office took the same position in each instance that it did in the establishment of the town of Madill. August 30 the inspector requested to be advised whether or not the same action should be taken in the matter of delaying the prosecution of those interested in establishing new towns that was taken in the Lewis case. Report of September 6 stated that the office knew of no reason why the Department's action in the Lewis case should not apply to all similar cases and recommended that the inspector be so advised, which was done by Department letter of September 7.

#### MISCELLANEOUS.

**Chickasaw incompetent fund.**—Under the provisions of the Choctaw and Chickasaw agreement \$558,520.54 was placed to the credit of the Chickasaw Nation. Of this sum, \$200,000 was subsequently appropriated by the legislature of that nation for the payment of the nation's outstanding indebtedness.

In October, 1899, the Chickasaw legislature passed an act which provided that the remainder of this fund should be paid out per capita to the Chickasaw citizens. Owing to the claims of the heirs of the so-called incompetent Chickasaws to a portion of this fund the act was disapproved by the President. The Department held that under existing law it had no authority to disburse this fund per capita to the members of the Chickasaw Nation, and Congress at its last session



inserted a clause in the Indian appropriation act of May 31, 1900, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of two hundred and sixteen thousand six hundred and seventy-nine dollars and forty-eight cents, which amount was appropriated by the act of June twenty-eighth, eighteen hundred and ninety-eight, and credited to the "incompetent fund" of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, within six months from the passage of this act, satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe, and also the amount of such fund to which they are severally entitled, their respective shares; and, second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred.

Under Department instructions of July 3, 1900, the office submitted, July 9, a draft of instructions to the United States Indian agent for the Union Agency for the purpose of carrying this legislation into effect. The instructions, modified by the Department July 12, went to the agent as follows:

It will be observed that it is made the duty of the claimants to satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe, and that the Secretary of the Interior is authorized and directed to pay to each person who shall establish his identity the portion of the fund to which he is entitled.

In order that the provision of the act above quoted may be carried out, you are hereby directed to cause a notice to be published in such newspapers in the Chickasaw Nation, both in the English and Chickasaw language, as you may deem necessary, giving notice that evidence tending to establish the identity and the claims of Chickasaw incompetents or the descendants of those incompetents who are dead will be received at the Union Agency up to and including October 31, 1900, and that the Chickasaw Nation has the right to file evidence rebutting that filed by any particular claimant, and that after October 31, 1900, the papers in each case will be forwarded to this office and to the Department for such action as may be deemed proper.

You will also notify by mail the governor of the Chickasaw Nation of the filing of each claim, giving the date, name of the beneficiary, the amount claimed, and that the proper representatives of the nation will be allowed to examine any evidence which may be filed in your office in relation to any of said cases, and also to file evidence against the allowance of the claim.

After October 31, 1900, you will carefully examine each case and make a report and recommendation thereon, and forward the same to this office, where it will be examined and forwarded to the Department with the recommendation of this office.

You will please take prompt action in this matter because of the shortness of the time allowed within which these claims may be filed and the identity of the claimants established.

**Western boundary of the Chickasaw Nation.**—The Choctaw and Chickasaw agreement provides that—

The United States shall survey and definitely mark and locate the ninety-eighth (98) meridian of west longitude between Red and Canadian rivers before allotments of the lands herein provided for shall begin.

The ninety-eighth meridian is the boundary line between the Wichita, the Kiowa, Comanche, and Apache reservations and the Chickasaw Nation, and the Geological Survey reestablished it during the last year. By its new location the western boundary of the Chickasaw Nation was changed. A portion of the southwest corner of what was formerly a part of the Chickasaw Nation was thrown into the Kiowa, Comanche, and Apache reservations, and a strip of land beginning at a point about 25 miles north of the southwest corner and growing in width to about 3 miles at the northwest corner of the Chickasaw Nation was taken from the reservations above named and thus became a part of the Chickasaw Nation.

Many persons own improvements on land that was thus transferred from one reservation to another, and the Department, May 23, 1900, directed the inspector to give out notices of the reestablishment of the ninety-eighth meridian, and also of the desire of the Department to permit persons who owned improvements which were affected by the relocation of the meridian to dispose of the same at private sale to citizens of the tribe within whose reservation or nation the land so improved was then located.

**Southern boundary of the Indian Territory.**—In my last annual report this question was discussed, and by Department letter of February 9, 1900, the office was requested to submit a "draft of legislation" for the purpose of finally and definitely settling the boundary line between the State of Texas and the Indian Territory.

Office report of March 14, 1900, after fully considering the subject, stated that—

It is not deemed necessary that the office should take up each particular case of which it is advised that a contention exists as to where the boundary line should be. The information which the office has upon the matters of contention is embodied in the letters, affidavits, and other papers transmitted herewith.

The situation as it is understood by this office is summed up in a general way about as follows:

First. The boundary line between the State of Texas and the Indian Territory should follow the middle of the main channel of the Red River as it meandered in 1845, when Texas was annexed. (Opinion of Assistant Attorney-General, L. D., Vol. 24, p. 372.)

Second. The surveyors in the field, engaged in the survey of the lands of the Indian Territory, were unable to determine with the amount of money at their disposal, the location of the main channel of the Red River as it existed in 1845, and submit a survey of a boundary other than that.

Third. It is represented by the surveyors under the employ of the Government and by parties interested that the land formerly on the Texas side of the Red River has, since 1845, been cut off and formed on the Territory side of the river, and land formerly on the Territory side of the river has, since 1845, been cut off and formed on the Texas side of the river.

The draft of legislation submitted is as follows:

Joint Resolution authorizing the Secretary of the Interior, in conjunction with the State of Texas, to determine and establish the boundary line between the Choctaw Nation, Indian Territory, and the State of Texas.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized*

and empowered to appoint a suitable person or persons, now in the employ of the Government or outside of the employ of the Government, as to him shall seem the more expedient, who, in conjunction with such person or persons as may be appointed by and on behalf of the State of Texas for the same purpose, shall determine and establish, by reference to suitable landmarks or United States surveys, the boundary line between the Choctaw and Chickasaw Nations, Indian Territory, and the State of Texas, beginning at the point where the boundary line between the State of Arkansas and the Indian Territory crosses Red River, and running thence westwardly along Red River to the point where the North Fork of Red River joins the main channel, near where the ninety-eighth degree of longitude west from Greenwich crosses Red River.

SEC. 2. *And be it further resolved*, That the said boundary shall be determined by such landmarks or reference to such landmarks or established corners of United States survey as may be agreed on by the Secretary of the Interior or those acting under his authority and the State of Texas or those acting under its authority.

SEC. 3. *And be it further resolved*, That the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated out of any money in the Treasury of the United States not otherwise appropriated to carry out the provisions of this act: *Provided*, That the person or persons appointed and employed on the part and behalf of the State of Texas are to be paid by the said State: *Provided further*, That no persons except a superintendent or commissioner shall be appointed or employed in this service by the United States but such as are required to make the necessary observations and surveys to ascertain such line and make return of the same.

No legislation has yet been enacted relative to this subject.

## CHIPPEWA AND MUNSEE INDIANS IN KANSAS.

By the ninth section of the Indian appropriation act approved June 7, 1897 (30 Stat. L., p. 92), Congress authorized the Secretary of the Interior to appoint a "discreet person" as a commissioner to visit the Chippewa and Munsee or Christian Indian Reservation, in Franklin County, Kans., and thoroughly investigate the title of each Indian to the several tracts of land which had been allotted to him in that reservation. Under the law and the instructions given him he was required to take a census of the Indians and to prepare four schedules, as follows:

1. Those Indians who held title to land by original allotment, by purchase and approved conveyance, or by inheritance, giving a description of the allotment held or owned by each Indian, and the respective share in such lands claimed by anyone, as heir or otherwise; the ownership of lands of deceased allottees to be determined under the laws of Kansas relating to descent.

2. Those who had not received an allotment of land but who would have been entitled to it if there had been a sufficient quantity of land to give an allotment to everyone.

3. All the lands embraced in the reservation, designating such as should be patented to original allottees, purchasers, or their respective heirs, and such as should be sold, the tracts to be sold being either unallotted, vacant, or not capable of profitable partition.

4. All the members of the tribes who were entitled to participate in the per capita distribution of the tribal funds now to their credit

on the books of the Treasury Department, after deducting the expenses incurred in carrying out the provisions of section 9 above referred to.

On the 9th of December, 1899, C. A. Smart, of Ottawa, Kans., appointed as such commissioner, submitted his first report giving the status of each of the 104 allotments and selections that had been made, in 1860 and subsequently, under the provisions of the treaty of July 16, 1859, with the Swan Creek and Black River bands of Chippewa Indians and the Munsee or Christian Indians (12 Stat., p. 1105), also of the tract of land held for missionary purposes and authorized to be patented to the Moravian Church or its constituted authorities. This was found to be a laborious work. Owing to the loose customs of Indians in regard to marriage relations it was found very difficult to apply to the questions of heirship the law of descent in force in Kansas. After a critical administrative examination by this office, with the personal assistance of Commissioner Smart, into each question of inheritance and into the proportionate share of each claimant to inherited lands, his report was favorably submitted to the Department and was approved January 8, 1900. On the 9th of May last, an appeal was made by one of the members of the tribe, from the findings of Commissioner Smart on allotments Nos. 69 and 70 in favor of Christian Kerl and Lydia Kerl respectively. The matter having been referred to Commissioner Smart for his review, he reported July 9 last that the appeal was well taken, for he had overlooked the fact that a deceased child, under the law of descent of Kansas, inherited from his parents as though alive. He therefore submitted an amendatory report on allotments 69 and 79, which was submitted to the Department July 17, and approved August 17, 1900.

The schedule of lands to be patented, with the names of the respective patentees, was approved by the Department and forwarded to the Commissioner of the General Land Office with instructions to issue patents in fee as reported on said schedule. These patents have been prepared, and when signed, recorded, and forwarded to this office will be transmitted to the United States Indian agent for delivery. The lands scheduled to be sold have been appraised, the appraisement approved, and the Commissioner of the General Land Office instructed to offer the same for sale as provided in the law above referred to.

The schedule of those who were entitled to but failed to receive an allotment was approved by the Department August 16, 1900.

The schedule of the whole tribe has been approved, and the funds of these Indians will be disbursed per capita under the law as soon as the net amount to be disbursed shall be known. The fund arising from the lands held in common that are to be sold is to be placed in the Treasury for the benefit of those members who have never received an allotment of land.

## PAYMENTS FOR OTO AND MISSOURI LANDS IN KANSAS AND NEBRASKA.

This long-pending matter has finally been disposed of. The last annual report contains the proposition of settlement which was submitted April 20, 1899, by Mr. J. A. Van Orsdel on behalf of the settlers as to the price to be paid by delinquent settlers for Oto and Missouri lands in Nebraska which they had been occupying for many years. This proposition was rejected by the Oto and Missouri Indians. Subsequently Inspector McLaughlin, acting under Department instructions, again conferred with the Indians, with the result that on November 20, 1899, they entered into a formal agreement, signed by more than three-fourths of the male adult members of the tribe, consenting to a revision and adjustment of the land sales as to the delinquent purchasers. This agreement is as follows:

We, the undersigned adult male members of the Otoe and Missouria tribe of Indians, having been assembled in council this 20th day of November, 1899, at the Otoe sub-agency, Noble County, Oklahoma Territory, in response to the request of James McLaughlin, United States Indian inspector, for the purpose of considering a proposition for the settlement of differences with the delinquent purchasers of lands in our late reservation in the States of Nebraska and Kansas, and being fully advised by said Indian Inspector McLaughlin as to our rights and interest in the premises, do hereby agree to a settlement of said differences on the following basis:

I. The original appraised value of said lands, together with twenty-five per cent (25 per cent) of such appraised value, shall for the purposes of this settlement represent the purchase price of said lands.

II. Interest shall be computed on the purchase price so ascertained at the rate of five per cent (5 per cent) per annum, simple interest, from the date that interest should be computed under the original act of Congress providing for the sale of said lands to date of payment.

III. From the amount so ascertained to be due in each instance shall be deducted all payments heretofore made on said lands, both on account of principal and interest, together with simple interest thereon, at the rate of five per cent (5 per cent) per annum, from date of payment until date of final payment, and the balance remaining after deducting said payments and interest thereon, as aforesaid, from the purchase price with interest thereon, as aforesaid, shall be considered the amount still due from said settlers and purchasers in each instance.

IV. All computations to be made under the direction of the Secretary of the Interior, and we fully authorize the adjustment of the matter on the basis as above set forth and as provided by the act of March 3, 1893.

V. It is further understood that this agreement and compromise shall apply only to the purchase money now delinquent, and that we will in no event agree to any further adjustment or refunding of any money whatever to those who have paid the full amounts due on their purchases made at the sale of said lands.

In a communication, dated February 14, 1900, addressed to the chairman of the Committee on Indian Affairs, House of Representatives, the Secretary of the Interior said:

This plan of adjustment does not include the full-paid purchasers, and I do not feel authorized to give it my approval and carry it into effect, considering the pro-

visions of the act of March 3, 1893, and the opinion of the former Assistant Attorney-General, in which I concur. I believe, however, as before stated, that no plan of adjustment which includes the full-paid purchasers will ever be consented to by the Indians, and I further believe that the fact that an adjustment as to the full-paid purchasers can not be effected ought not to be permitted to stand in the way of or to prevent an adjustment as to the delinquent purchasers.

It is now more than sixteen years since these sales occurred, and good administration, as well as fair dealing toward the Indians and the delinquent purchasers, requires that the matter shall be adjusted, so far as they are concerned, so that the Indians may receive the moneys to which they are entitled and the purchasers receive title to the lands. The plan of adjustment consented to by the Indians November 20, 1899, provides that they shall receive from the delinquent purchasers the original appraised value of the lands, with 25 per cent added thereto, and with interest thereon at 5 per cent per annum. Representatives of this Department, who have inspected the land and made diligent inquiry with respect to their appraisement and value, believe that this is a reasonable and equitable settlement both for the Indians and the delinquent purchasers. I have had two conferences with delegations from the tribes, and after careful consideration of the matter believe that the best interests of all concerned will be subserved if this plan of adjustment between the Indians and the delinquent purchasers is authoritatively adopted and carried into effect.

This controversy, so long pending, should be closed without further delay. While under the act of March 3, 1893, the consent of the purchasers was not made a condition to the revision and adjustment thereby authorized, it is worthy of consideration that about 110 out of a total of 123 delinquent purchasers have joined in proposing this adjustment and stand ready to comply with its terms if it be approved. The remaining delinquent purchasers insist, either that they shall receive title to the lands without making any payment at all, or upon the payment of the original appraised value with interest thereon at 5 per cent per annum for three years. It thus appears that the Indians and the delinquent purchasers have, with practical unanimity, consented to this plan of adjustment.

I therefore respectfully transmit herewith a draft of a bill confirming the revision and adjustment to which assent has thus been given, and earnestly recommend that it receive your favorable consideration.

The agreement of November 20, 1899, was confirmed by act of Congress approved April 4, 1890 (31 Stats. 59). The act directs that the Secretary of the Interior shall cause notice to be given purchasers of lands of the amounts due and unpaid on their purchases. Within one year thereafter it is made the duty of such purchasers to make full payment of the amounts due, in default of which the entry of any delinquent purchaser shall be canceled and his lands resold at not less than the appraised value, and in no case less than \$2.50 per acre. Upon making such complete payment within the time limited, each purchaser, his heirs or legal representatives, shall be entitled to receive a patent for the lands purchased.

### PIPESTONE RESERVATION AGREEMENT.

In my last annual report (p. 136) reference was made to the fact that negotiations had been conducted by inspector James McLaughlin with the Yankton Indians for the purchase of the Pipestone Reserva-

tion, containing the noted Red Pipestone quarries, near Pipestone, Minn., but that the negotiations had been unsuccessful owing to the fact that the price asked by the Indians was regarded as excessive. In compliance with departmental instructions the inspector resumed negotiations with the Indians for the cession of that reservation on September 23, 1899, and October 2, 1899, an agreement to that effect was concluded.

The purchase price fixed in the agreement for the entire reservation, containing 648.2 acres, is \$100,000. Of this amount \$25,000 is to be expended for the purchase of stock cattle, the same to be distributed as equally as possible among the members of the Yankton tribe. The balance, \$75,000, is to be paid in cash, pro rata, to each man, woman, and child belonging to the tribe.

The agreement also provides that the Yankton Indians, and they alone, shall be permitted, as has been their custom for unnumbered generations, to go upon that portion of the reservation, not exceeding 40 acres in area, which embraces the quarries, to procure and remove pipestone at such times and in such quantities as they may desire, subject to such regulations and conditions as may be prescribed by the Secretary of the Interior. The 40-acre tract referred to is to be selected by the Secretary, with the concurrence of a delegation of five Yankton Indians, and is to be suitably marked and designated by the Secretary of the Interior.

A copy of the agreement, with draft of bill providing for its ratification, and copies of all the papers, were submitted to the Department on February 1, 1900, and resubmitted on March 23, for transmission to Congress. March 24 the Department transmitted the papers to Congress with recommendation for favorable action. (See H. R. Doc. No. 535, Fifty-sixth Congress, 1st session.) Congress, however, failed to ratify the agreement.

Owing to the present status of that reservation and the fact that the Government has a valuable school plant there and is about to expend considerable more money for additional buildings, the desirability of securing the ratification of the agreement and thus obtaining undisputed title to the land need not be dwelt upon.

## NORTHERN CHEYENNE RESERVATION, MONTANA.

The Indian appropriation act approved May 31, 1900 (31 Stats., p. 221, and p. — of this report), appropriates \$171,615.44 "to pay for certain lands and improvements, as recommended by United States Indian Inspector James McLaughlin in his three reports to the Secretary of the Interior, dated, respectively, November 14, 1898, and February 3 and 16, 1900."

June 11 this office recommended that Inspector McLaughlin be designated to obtain deeds for the lands and improvements of the vendors and to see that the improvements sold to the Government were intact, etc. He was instructed accordingly by the Department, June 18 and July 17, at the request of the Department, further instructions were given him by this office.

It was decided, upon the recommendation of this office, that the white settlers, or beneficiaries of the appropriation, should be paid by warrants drawn in their favor on the United States Treasury, and that the heads of 46 Indian families residing east of Tongue River should be paid for their improvements, through the United States Indian agent of the Tongue River Agency, Mont. He was fully instructed on August 10, 1900, respecting such payments, and funds have been placed to his credit for that purpose.

Most of the deeds have been obtained by the inspector from the white settlers. They have been considered by this office and the Department, and the claims of the settlers are on the way to final adjustment.

### PUEBLO INDIANS.

During last year the Albuquerque Land and Irrigation Company, a corporation existing under the laws of the Territory of New Mexico, sought to appropriate the surplus waters of the Rio Grande River at a point just south of the pueblo of San Felipe, and to construct a canal through the lands of the San Felipe, Santa Ana, and Sandia pueblos as well as the lands of numerous individuals. All of those lands, except the San Felipe pueblo, are supplied with water for irrigation from the Rio Grande by means of several irrigating ditches whose dams or heads are below the point of extraction proposed by the company. There was much opposition by residents along the line of the proposed canal, not only to its survey, but also to the appropriation of water by the company, which resulted in numberless proceedings before the Territorial courts.

Suit having been instituted by the company in the district court of Santa Fe County, N. Mex., against the pueblo of Sandia et al., to restrain the defendants from interfering with the construction of the canal, Judge McFie of said court held that the company had a legal right to construct the canal across the Indian lands without interference on the part of the Indians. At the same time the court found that, in accordance with the agreed statement of facts filed by counsel for both parties to the suit, the Indian pueblos were entitled to their rights as prior appropriators of water in the Rio Grande. By this decree the Pueblos are guaranteed the right to water to the full capacity of their present ditches. November 28, 1899, the agent in charge of



the Pueblo agency was instructed to see that the rights of the Indians under the decree were fully protected.

The lands of several of the pueblos in Bernalillo County, N. Mex., were assessed for taxation by the officials of that county and were included in the published delinquent tax list for 1898 and prior years. Notice was given that the tax collector would, on December 26, 1899, apply to the district court of Bernalillo County for judgment and for an order of sale to satisfy the same. As the payment by the Pueblos of these taxes, even for one year, would be to them a very serious matter and unexpected burden, since they have never before been compelled to pay taxes upon their lands, the special attorney for the Pueblo Indians suggested that Congress be asked to exempt them from taxation for a certain period, or until Congress shall have declared them citizens subject to taxation. The matter was submitted to the Department by this office on November 29, 1899, and on December 23 the Department issued instructions direct to the special attorney to present every reasonable defense against the proposed tax sale.

April 7, 1900, the Department was informed by the office that Judge Crumpacker of the district court of Bernalillo County had held that the property of the Pueblo Indians was not taxable. Although expressing himself as somewhat in doubt as to the correctness of the position taken by him in the matter, the judge thought that the Territorial authorities were better able to carry the case to the supreme court of New Mexico. The matter is now pending on appeal to the latter court. Should the Territorial authorities obtain a reversal of Judge Crumpacker's decision by the higher court, the office proposes to suggest to the Department the propriety of obtaining Federal legislation exempting the Pueblos from taxation.

Congress having made no appropriation for the salary of a special attorney for the Pueblos for the current fiscal year, the Indians have been without the aid of legal counsel since June 30 last.

### ZUNI PUEBLO GRANT.

A bill (H. R. 8635) was introduced in the House of Representatives, February 16, 1900, "To confirm title to certain land to the Indians of the pueblo of Zuni in the Territory of New Mexico," and was favorably reported (Report 1571) without amendment from the Committee on Indian Affairs, May 17, 1900.

It is respectfully urged that the title in and to their land be confirmed to these Indians at the coming session of Congress, as all the title papers held by these Indians, for land occupied by them for over two hundred years, were a few years ago accidentally destroyed by fire.

## NEW YORK INDIANS.

The claim of the New York Indians for compensation for lands in Kansas, growing out of the treaty concluded at Buffalo Creek on January 15, 1838, having been finally adjudicated before the Court of Claims, it was referred to Congress at its last session for an appropriation. Instead of providing specific legislation for the payment to the beneficiaries of the amount of the judgment, as was proposed by this office in a bill formulated for that purpose, Congress, by the act of February 9, 1900, simply appropriated the amount of the judgment of the Court of Claims, rendered November 23, 1898, with interest from that date to the date of the mandate of the Supreme Court, April 19, 1899, viz, \$1,998,744.46. It is presumed that following the precedents of the "Old Settler" Cherokee and similar cases, special legislation will be provided to enable the Department of the Interior to make the distribution of the judgment. This was provided for in the bill proposed by this office.

## ABOLISHMENT OF THE OSAGE TRIBAL GOVERNMENT.

A crisis in Osage governmental affairs was reached in the election of tribal officers in 1898. After a bitter factional controversy, and after an investigation had been conducted by Inspector McLaughlin, the Department, on February 21, 1899, decided the contest in favor of Black Dog, representing the full-blood element, as principal chief, and Ma shah ke tah, the candidate of the progressive or mixed-blood party, as assistant principal chief. The Osages, however, became involved in another dispute over the election of members of the national council, which was only settled by the Department order of January 18, 1900, recognizing twelve members as having been duly elected and constituting a quorum of the council, leaving three vacancies to be filled by that body.

These and other considerations impelled the office, on February 21, 1900, to recommend the issuance of a Departmental order abolishing the Osage national government, excepting the national council and the offices of principal chief and assistant principal chief. Such an order was issued March 30. May 19 the office recommended the abolishment of the national council which was ordered by the Department May 21, 1900.

The principal causes that led to the abolition of the Osage tribal government were: (1) Acrimonious disputes between the two factions over elections; (2) entire absence of harmony between the Osage tribal officers and the Indian agent in the administration of tribal affairs; (3) the selection of ignorant men as officeholders, and (4) the profligate use of moneys received from permit taxes.

The tribal government was abolished after the conditions had been fully investigated by a special Indian agent and after the facts developed in his investigation had been carefully considered by this office and the Department. It was determined upon as the wisest step to take, in view of the tangle into which the affairs of the Osage Nation had gotten. It has resulted in the reduction of expenses and consequently a considerable saving to the tribe in the amounts heretofore expended for salaries of a long list of tribal officials.

### WENATCHI INDIANS.

For several years considerable attention has been given by the office to the Indians residing in the vicinity of Mission and Wenatchee, Wash., known as the Wenatchi, and to those scattered along the Columbia River in that part of the State, formerly known as the Palouse, but now generally included under the head of Wenatchi. These Indians had always been regarded as belonging to the Yakima Nation, and, under instructions of this office, the Crow, Flathead, etc., commissioners who were authorized to negotiate an agreement with the Yakima, made a final effort to persuade the Wenatchi to remove to that reservation. An effort was also made by Special Allotting Agent W. E. Casson, while making additional allotments on that reserve two years ago, to get these Indians to remove there and take allotments, but without avail. The Wenatchi claimed that they were not a part of the Yakima Nation, that they spoke a different language, and that they should not be affiliated with them.

It was therefore concluded to allot lands to these Indians in severalty where they now reside, under the fourth section of the general allotment act, as amended, and on January 29, 1900, Special Allotting Agent Casson was instructed to proceed to Wenatchee for that purpose. June 22 Mr. Casson made a detailed report regarding his work among these Indians and the difficulties attending it, from which report the following extracts are made:

The good land had all been taken up for many years, and only now and then a piece that an Indian would accept. We often spent two or three days to find land for a single one.

There were a number of Indians whose lines were not fully established, who had applied under the Indian homestead act, and in some cases they were in trouble between themselves and in other cases with white people. We straightened out all such cases.

There were several cases in which Indians were in conflict with the Northern Pacific Railway, and had been notified to make election under the act of July 1, 1898, to hold same, but they had failed to do so and refused on account of advice given them by John Hamilt. In these cases I have secured the election of all the Indians, and filed same with the Waterville land office.

I made 18 allotments, which I have filed at the Waterville land office. I also filed two applications of Martin Enias and wife for 80 acres each of land filed upon by

Charley Suis up kin, homestead entry 66, December 22, 1890, for SE  $\frac{1}{4}$  of sec. 18, T. 23 N., R. 20 E., to be put on record as soon as the honorable Commissioner of the General Land Office ordered the entry canceled.

I think the Wenatchi Indians are above the average; they are, as a rule, quite industrious and well behaved. They no doubt could be greatly benefited by the expenditure of a few thousand dollars for wire for fences and farm machinery, etc. They all have great confidence in John Hamilt, their chief, and he tries very hard to have them do right. They are devout Catholics, and go to their church every Sunday and hold services by themselves.

As I have written your office before, the only solution I can see to the land problem for the Wenatchi Indians is to allot them on the south half of the Colville Reservation. The work has been very slow and tedious for the reasons before given, but many cases have been settled and several put in shape for settlement as soon as the railroad company relinquishes. I will keep in correspondence with these people, and can do a great deal to get them to take steps to prove up when the proper time comes.

As these Indians had at various times during the past few years expressed a willingness to remove to the Colville Reservation, provided they were given allotments there, the office, July 19, 1900, instructed Mr. Casson to ascertain the real wishes of the Indians in this regard, to find out how many would go, and whether there were suitable lands on the Colville Reservation not used or required by the Indians already there upon which the Wenatchi might be located, and to report whether if their removal was effected these Indians would be likely to remain there and build up homes for themselves. August 1 Mr. Casson replied from Mission, Wash., as follows:

I find from talking with the Wenatchi Indians that they as a rule are desirous of taking allotments on the south half of the Colville Reservation. John Hamilt, the chief, and the leading men among the Wenatchi are anxious to have their people allotted on the Colville—i. e., those who have no lands upon the public domain. The Indians who have homes here are anxious to secure allotments for their wives and children.

I had a long talk with John Hamilt to-day, and he says it is useless to try to allot them upon the Colville Reservation this fall for the reason that the Indians are nearly all in the mountains now picking berries, fishing, etc., and will be gone until September 1, when they will go to Yakima to pick hops, and will be gone a month there, and will then return and go to the mountains and hunt until the snow drives them home. He (Hamilt) says about May 1 next year is the time to begin the work, as the Indians could all go and attend to making selections. I fully agree with him that nothing could be done this fall.

The Wenatchi Indians say there is plenty of good, vacant land on the part of the reservation where they want to be allotted.

I met Agent Anderson in consultation, and he is anxious to have them allotted on his reservation, but agrees it is not the right time of year to undertake the work. He further says he can attend to having them allotted, and that there is plenty of good land for them. I am anxious to have these people allotted in order to protect and provide for the children and young people now growing up.

A few of the young men would go and improve their allotments if allotted there, but a great many of the allotments would be owned by women and children who would remain here with the head of the family.

The ones who would remove to and live upon their lands would need assistance in the shape of harness, wagons, plows, wire for fences, etc., and if given some help

would make good use of it. They are above the average Indians and they should be given all the assistance that could be given.

Some of them have good farms here that white people are very anxious to purchase, and some few of the Indians would like to sell and go to the reservation, while others do not wish to sell, but do want to provide lands for the children growing up.

I can not give you the number of Indians who would accept lands on the reservation, for the reason that they are nearly all away; however, I think nearly all would accept lands who are not owners of land. They will always spend more or less time here if allotted on the reservation, but at the same time as the children become old enough to farm they would gradually become weaned away from here and live upon their lands.

The Colville Reservation was set aside by Executive order dated July 2, 1872, for the use of the Indians therein named, "and for such other Indians as the Department of the Interior may see fit to locate thereon." As the Wenatchi disclaim all connection with the Yakima, the office believes that the Department would be warranted in settling such of these Indians on the Colville Reservation as desire to go there for the purpose of securing homes, and that this should be done. It is believed, however, that it would not be proper to allot lands to them in severalty until all the Indians on the south half of the Colville Reservation come to be allotted. It is the desire and purpose of the office to settle the question of providing for homes for all these people at the earliest practicable date.

With his report of June 22, 1900, Mr. Casson inclosed a census of the Wenatchi, including those scattered along the Columbia, giving names, ages, relationship, and stating whether they now have lands or not. The list contains 166 names. About one-half the Indians now have lands, including the eighteen allotted by him.

## CHIEF JOSEPH AND HIS BAND OF NEZ PERCÉ.

Last March Chief Joseph visited this city and submitted to this office a petition to be allowed to leave his present location on the Colville Reservation in Washington and return with his band of about 150 Nez Percé to Wallowa Valley, Oregon. This, he claimed, was the home of his ancestors and was his own home until he and his people were removed from Idaho to the Indian Territory in 1877, at the close of the Nez Percé war. By Department reference the office also received a communication, dated April 7, 1900, from Maj. Gen. Nelson A. Miles, United States Army, recommending that Joseph's request be granted.

April 21, 1900, the office submitted a report to the Department on the history and status of this band of Nez Percé, the condition of the Wallowa Valley, and the treaties with the Nez Percé tribe, and it was recommended that Joseph's request to be removed to the Wallowa Valley or elsewhere be denied. Joseph, having been informed of this

action, requested a conference with the office, which was granted May 1 last. On the 3d of that month a report of the conference was submitted to the Department, with the recommendation that an inspector be instructed to accompany Joseph to the Wallowa Valley for the purpose of ascertaining whether land sufficient and suitable could be found therein for making allotments to him and his band. May 24 Inspector James McLaughlin was so instructed, and June 23, 1900, he submitted his report, of which the following is a résumé:

The Wallowa Valley is about 40 miles in length from southeast to northwest, and averages about 15 miles in width. It has four prosperous towns, Wallowa, Lostine, Enterprise, and Joseph, the latter being at the upper end of the valley and about 1 mile from the foot of Wallowa Lake, a lake situated in a gap of the Powder River Mountain where the range is 8,000 feet high. The upper townships of the valley, Joseph and Prairie Creek, extend into the mountains, and only about one-third of their area is tillable. The lake is fast becoming a favorite summer resort. It is 1 mile wide, 4 miles long, and 275 feet deep, with a temperature in summer of about 45°. The adjoining lands are held very high, one 80-acre tract at the outlet (north end) being valued at \$6,000.

The country south of the Wallowa Lake is rough, broken, and worthless, except the lower portions of the mountains, which are grazed by cattle and sheep about three months of the year. This is true of the country east of Wallowa Lake and of the town of Joseph, through to Snake River, about 30 miles, except in the narrow valleys of the Imnaha River and its tributaries, which are from 2,500 to 3,500 feet lower than the plateau levels of the surrounding country. Every spot in these narrow valleys is under irrigation and in a high state of cultivation, devoted chiefly to fruit orchards, even tropical fruits being successfully raised, protected as they are by the high canyon walls between which the creeks run.

In Wallowa County, which is the northeastern county of the State of Oregon, the lands are held at from \$5 to \$75 per acre, and in the Wallowa Valley at from \$20 to \$75 per acre, according to the quality of the soil and the nature of improvements. The following is the assessed valuation of the lands in Wallowa County:

Tillable lands .....	\$166, 420
Nontillable lands .....	193, 625
Town lots .....	12, 040
Improvements on lands .....	101, 250
Improvements on lots .....	52, 205
<b>Total assessed value .....</b>	<b>525, 540</b>
<b>For actual value add 50 per cent.....</b>	<b>262, 770</b>
<b>Approximate actual value.....</b>	<b>788, 310</b>

The assessed valuation of realty and live stock is about \$1,100,000, to which should be added 50 per cent on realty and 33½ per cent on live stock to arrive at the actual value of such property.

The county has a population approximating 6,000, mainly located in the Wallowa Valley. The votes polled in the county at the recent State election were as follows:

Wallowa precinct .....	250
Lostine precinct.....	200
Enterprise precinct.....	235
Joseph precinct .....	160
Prairie Creek precinct .....	87
Trout Creek precinct .....	85
<b>Total votes in Wallowa Valley proper .....</b>	<b>1,017</b>
Divide precinct (which is east of Prairie Creek in the Sheep Creek country) .....	30
Imnaha precinct, including the settlers along the tributaries of the Imnaha River.....	160
Paradise, Flora, and Lost Prairie precincts, which are in the northern portion of the county.....	300
<b>Number of votes cast in Wallowa County in May, 1900....</b>	<b>1,507</b>

It is therefore evident that Wallowa County is well populated, and that practically all desirable agricultural lands in the county which control adjacent grazing privileges are owned by whites and mostly occupied by the owners. The settlers are an intelligent and prosperous class of farmers and stock growers, who have their farm lands nearly all under irrigation and well fenced.

Unless some portion of Wallowa Valley were included, suitable agricultural lands for Joseph and his band could not be found in the county, and it would be very expensive to secure any portion of Wallowa Valley upon which to locate those Indians. Even the two upper townships, less valuable than any others in the valley, could not be purchased with their improvements for less than \$150,000. No one with whom the inspector conferred manifested any desire to sell his holdings; while all expressed themselves as opposed to Joseph's band being brought into that country.

While a majority of the settlers of the Wallowa Valley retain no ill will against the Nez Percé for the troubles of 1877, yet there are some whose relatives were ravished and killed by Indians on Salmon River and Camas Prairie during that outbreak who vow vengeance against all members of the band, and more particularly against Joseph, and many of the settlers predict that should the Indians be returned to this valley to stay permanently Joseph would be assassinated within a year.

Joseph's band would now hardly recognize this valley as the one over which they roamed twenty-three years ago, with an abundance of game in the mountains and fish in the streams. The game has

almost entirely disappeared and fish are fewer every year. Moreover, it was the custom of the band to remain in Wallowa only during the summer months and to return into the valleys of Imnaha and Snake rivers about the end of October, remaining there all winter.

In the Nespelim Valley, Washington, where Joseph and his band have been located for seventeen years, the climate is much milder in winter than in the Wallowa Valley. The lands are equal to the average lands in the mountains of Oregon, and superior to the greater portion lying outside of the more fertile valleys. In fact, it is quite equal to the Wallowa Valley, except that the area of the bottom land is not so extensive. The Nespelim Valley also equals, if it is not better than the Wallowa Valley for both hunting and fishing. The Nespelim and Little Nespelim rivers are both good trout streams. The San Poil River, about 30 miles east of Joseph's settlement, and entirely within the south half of the Colville Reservation, is said to be one of the best salmon fishing streams in eastern Washington. There are immense quantities of "huckleberries" in the mountains, from which the Indians derive quite a revenue. The soil is a rich loam, the surface is well sodded, and native grasses are luxuriant.

The Nespelim River has excellent valley lands on both sides for some 15 miles in length, and averaging about 1 mile in width. The Little Nespelim, a few miles east of the main river and running nearly parallel with it, is similar, except that the stream and valley are smaller. Both of these rivers have their sources in the mountains and are swift-running, never-failing streams of excellent water, sufficient to irrigate the lands of their respective valleys. The valleys alone afford ample tillable land for twice the number of Indians now located upon that portion of the Colville Reservation. Excellent pine timber is plentiful on the uplands and along the foothills of the adjacent mountains. The Indians can obtain all the lumber they need free of cost if they will but fell the trees and get the logs to the Government mill. The main Nespelim River furnishes a good water power which runs a flour mill and a sawmill, both in good condition and capable of doing first-class work. They are used exclusively for grinding into flour the wheat raised by the Indians, and sawing for their use the logs brought by them to the mill.

Chief Joseph has a large tract of excellent land inclosed with a good fence and situated on the west bank of the main Nespelim River. A portion of it is very good meadow land and there is also some timber and all the land is tillable. On this tract he has a small house in fairly good condition, but a poor barn. He is not living here but upon another tract near by, upon which he has built another house, situated about one-quarter of a mile south of the subagency. The fields occupied by his band are nearly all fenced and include both meadow and pasture.



Joseph is regarded as a nonprogressive Indian, one who will not work, and it is alleged that the advancement of his people is greatly retarded by his influence which offers no encouragement to industrial pursuits. The inspector is convinced that he does not represent the wishes of his entire band regarding his desired change of location, but that a considerable number of them do not wish to leave Nespelim.

From these facts it seemed clear that neither the welfare nor the happiness of the Indians nor the good of the service would be promoted by allowing Joseph and his band to remove from their present location to the Wallowa Valley, and this office reported accordingly to the Department July 21 last. This opinion was concurred in September 4 and the United States Indian agent of the Collville Agency has been instructed to advise Joseph of that decision.

### YAKIMA BOUNDARY CLAIM.

For some years the Yakima Indians in Washington have claimed that the southern and western boundary of their reservation as established by the Government survey was erroneous, and that they were deprived of lands which should properly be embraced within the reservation boundaries. Somewhat more than two years ago, after carefully looking into the matter the office concluded, as indicated in a report to the Secretary of the Interior dated April 12, 1898, that there were good grounds, at least, for the contention of the Indians that a portion of the tract intended to be reserved for them had been excluded on the west by the Government survey.

During the fall of 1898, in accordance with departmental instructions, Mr. E. C. Barnard, of the Geological Survey, proceeded to the locality in question for the purpose of making an examination of the disputed west boundary. He was prevented, however, by heavy snows from completing the work at that time, and in accordance with instructions of the Department, dated August 23, 1899, the examination was renewed September 15 and concluded October 15, 1899. January 12, 1900, Mr. Barnard made his report to the Geographer of the Geological Survey, accompanied by a map of the reservation and of the territory in dispute. He states as a result of his investigation that the wording of the treaty of 1855 can not be made to conform to the topography of the country; that the reservation as at present surveyed does not extend to the main ridge of the Cascade Mountains, as provided in the treaty, and that in his opinion the Indians have been deprived by the survey of the boundary as it now exists of a tract of territory embracing about 357,878 acres. The boundary of the tract claimed by the Indians does not extend as far west as Mr. Barnard thinks it should and embraces a tract of only 293,837 acres, or 64,041 acres less than he thinks they are entitled to.

This matter was submitted to the Department April 6, 1900, and it was recommended that the findings of Mr. Barnard, at least to the extent of the tract claimed by the Indians—293,837 acres—be approved, and that action be taken to secure reimbursement to the Indians for the lands of which they have thus been deprived. In a reply, dated April 7, the Department approved of Mr. Barnard's findings to the extent indicated, and directed the office to prepare a draft of an item for submission to Congress granting authority for the detail by the Secretary of the Interior of an Indian inspector to negotiate an agreement with the Yakima Indians for the adjustment of their claim to the lands in question. Such item was prepared and submitted by the office to the Department, together with copies of all the reports, papers, and maps, April 16, 1900, and on April 20 the Department transmitted the same to Congress. (See House Doc. No. 621, Fifty-sixth Congress, 1st session.)

Congress, however, did not enact the desired legislation authorizing negotiations, but it made provision in the deficiency act approved June 6, 1900, for the continuation of the Crow, Flathead, etc., commission.

This commission is authorized by the act originally providing for its appointment to negotiate an agreement with the Yakima Indians for the cession of a portion of their surplus lands. In instructing this commission, July 6, 1900, this claim of the Yakima Indians for lands excluded from the western portion of their reservation was referred to, and the commissioners were directed to adjust the matter, if possible, by inserting in any agreement negotiated a provision for the payment to the Indians of such sum as they could agree upon as compensation for the excluded lands, the terms to be just both to the Indians and to the United States. It is to be hoped that if an agreement is concluded with the Yakima Indians, as indicated, an amicable adjustment of this claim may be arranged and the same ratified by Congress.

## STOCKBRIDGE AND MUNSEE INDIANS.

On account of the very small quantity of land owned by these Indians, action looking to the allotment of their reservation in severalty has been deferred. Because of the insufficiency of land, allotments can not be made under the treaty of February 5, 1856 (11 Stats., 663), and should allotments be made under the provisions of the general allotment act of February 8, 1887 (24 Stats., 388), each Indian would receive only about 19 or 20 acres.

For a year or more the office has been considering the feasibility of giving to those Indians living off the reservation, and to those residing with the Seneca and Onondaga tribes in the State of New York, land outside of the reservation in lieu of allotments therein, so that a suffi-

cient quantity would be left in the reservation to make satisfactory allotments for the Indians residing there. There are many difficulties in the way of carrying out such a plan, and these difficulties are increased by the enmities existing between the factions of the tribe and the complication of the affairs of the tribe in the local politics of the State. One obstacle to any scheme of allotment for these Indians which has hitherto been referred to in the annual reports of this Office, is that notwithstanding the small extent of the reservation, there are some considerable tracts therein that have been patented to the State of Wisconsin under the swamp-land grants. The State secured the introduction of bills during recent sessions of Congress authorizing it to relinquish the swamp lands within the reservation, and to select lieu lands therefor, but none of these bills became a law.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner*.

The SECRETARY OF THE INTERIOR.

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**ANNUAL REPORT**

**OF THE**

**COMMISSIONER OF INDIAN AFFAIRS**

**TO THE**

**SECRETARY OF THE INTERIOR**

**FOR THE**

**FISCAL YEAR ENDED JUNE 30, 1901.**



**WASHINGTON:**  
**GOVERNMENT PRINTING OFFICE.**  
**1901.**



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# REPORT

OF THE

## COMMISSIONER OF INDIAN AFFAIRS.

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OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., October 15, 1901.*

SIR: The seventieth Annual Report of the Office of Indian Affairs is respectfully submitted.

### WELL-MEANT MISTAKES.

In the last annual report some attention was given to the obstacles in the way of the Indian toward independence and self-support, and three of the most important were pointed out and made the subject of discussion. It was shown that the indiscriminate issue of rations was an effectual barrier to civilization; that the periodical distribution of large sums of money was demoralizing in the extreme; and that the general leasing of allotments instead of benefiting the Indians, as originally intended, only contributed to their demoralization.

Further observation and reflection leads to the unwelcome conviction that another obstacle may be added to these already named, and that is education. It is to be distinctly understood that it is not meant by this to condemn education in the abstract—far from it; its advantages are too many and too apparent to need any demonstration here. Neither is it meant as a criticism upon the conduct or management of any particular school or schools now in operation. What is meant is that the present Indian educational system, taken as a whole, is not calculated to produce the results so earnestly claimed for it and so hopefully anticipated when it was begun.

No doubt this idea will be received with some surprise, and expressions of dissent will doubtless spring at once to the lips of many of those engaged or interested in Indian work. Nevertheless, a brief view of the plan in vogue will, it is believed, convince the most skeptical that the idea is correct.

There are in operation at the present time 113 boarding schools, with an average attendance of something over 16,000 pupils, ranging from 5 to 21 years old. These pupils are gathered from the cabin,

the wickiup, and the tepee. Partly by cajolery and partly by threats; partly by bribery and partly by fraud; partly by persuasion and partly by force, they are induced to leave their homes and their kindred to enter these schools and take upon themselves the outward semblance of civilized life. They are chosen not on account of any particular merit of their own, not by reason of mental fitness, but solely because they have Indian blood in their veins. Without regard to their worldly condition; without any previous training; without any preparation whatever, they are transported to the schools—sometimes thousands of miles away—without the slightest expense or trouble to themselves or their people.

The Indian youth finds himself at once, as if by magic, translated from a state of poverty to one of affluence. He is well fed and clothed and lodged. Books and all the accessories of learning are given him and teachers provided to instruct him. He is educated in the industrial arts on the one hand, and not only in the rudiments but in the liberal arts on the other. Beyond "the three r's" he is instructed in geography, grammar, and history; he is taught drawing, algebra and geometry, music, and astronomy, and receives lessons in physiology, botany, and entomology. Matrons wait on him while he is well and physicians and nurses attend him when he is sick. A steam laundry does his washing and the latest modern appliances do his cooking. A library affords him relaxation for his leisure hours, athletic sports and the gymnasium furnish him exercise and recreation, while music entertains him in the evening. He has hot and cold baths, and steam heat and electric light, and all the modern conveniences. All of the necessities of life are given him and many of the luxuries. All of this without money and without price, or the contribution of a single effort of his own or of his people. His wants are all supplied almost for the wish. The child of the wigwam becomes a modern Aladdin, who has only to rub the Government lamp to gratify his desires.

Here he remains until his education is finished, when he is returned to his home—which by contrast must seem squalid indeed—to the parents whom his education must make it difficult to honor, and left to make his way against the ignorance and bigotry of his tribe. Is it any wonder he fails? Is it surprising if he lapses into barbarism? Not having earned his education, it is not appreciated; having made no sacrifice to obtain it, it is not valued. It is looked upon as a right and not as a privilege; it is accepted as a favor to the Government and not to the recipient, and the almost inevitable tendency is to encourage dependence, foster pride, and create a spirit of arrogance and selfishness. The testimony on this point of those closely connected with the Indian employees of the service would, it is believed, be interesting.

It is not denied that some good flows from this system. It would be singular if there did not after all the effort that has been made and

the money that has been lavished. In the last twenty years fully \$45,000,000 have been spent by the Government alone for the education of Indian pupils, and it is a liberal estimate to put the number of those so educated at not over 20,000. If the present rate is continued for another twenty years it will take over \$70,000,000 more.

But while it is not denied that the system has produced some good results, it is seriously questioned whether it is calculated to accomplish the great end in view, which is not so much the education of the individual as the lifting up of the race.

It is contended, and with reason, that with the same effort and much less expenditure applied locally or to the family circle far greater and much more beneficent results could have been obtained and the tribes would have been in a much more advanced stage of civilization than at present.

On the other hand it is said that the stream of returning pupils carries with it the refining influence of the schools and operates to elevate the people. Doubtless this is true of individual cases and it may have some faint influence on the tribes. But will it ever sufficiently leaven the entire mass? It is doubtful. It may be possible in time to purify a fountain by cleansing its turbid waters as they pour forth and then returning them to their original source. But experience is against it. For centuries pure fresh-water streams have poured their floods into the Great Salt Lake, and its waters are salt still.

What, then, shall be done? And this inquiry brings into prominence at once the whole Indian question.

It may be well first to take a glance at what has been done. For about a generation the Government has been taking a very active interest in the welfare of the Indian. In that time he has been located on reservations and fed and clothed; he has been supplied lavishly with utensils and means to earn his living, with materials for his dwelling and articles to furnish it; his children have been educated and money has been paid him; farmers and mechanics have been supplied him, and he has received aid in a multitude of different ways. In the last thirty-three years over \$240,000,000 have been spent upon an Indian population not exceeding 180,000, enough, if equitably divided, to build each one a house suitable to his condition and furnish it throughout; to fence his land and build him a barn; to buy him a wagon and team and harness; to furnish him plows and the other implements necessary to cultivate the ground, and to give him something besides to embellish and beautify his home. It is not pretended that this amount is exact, but it is sufficiently so for the purposes of this discussion.

What is his condition to-day? He is still on his reservation; he is still being fed; his children are still being educated and money is still being paid him; he is still dependent upon the Government for exist-

ence; mechanics wait on him and farmers still aid him; he is little, if any, nearer the goal of independence than he was thirty years ago, and if the present policy is continued he will get little, if any, nearer in thirty years to come. It is not denied that under this, as under the school system, there has been some progress, but it has not been commensurate with the money spent and effort made.

### THROWING THE INDIAN ON HIS OWN RESOURCES.

It is easy to point out difficulties, but it is not so easy to overcome them. Nevertheless, an attempt will now be made to indicate a policy which, if steadfastly adhered to, will not only relieve the Government of an enormous burden, but, it is believed, will practically settle the entire Indian question within the space usually allotted to a generation. Certainly it is time to make a move toward terminating the guardianship which has so long been exercised over the Indians and putting them upon equal footing with the white man so far as their relations with the Government are concerned. Under the present system the Indian ward never attains his majority. The guardianship goes on in an unbroken line from father to son, and generation after generation the Indian lives and dies a ward.

To begin at the beginning, then, it is freely admitted that education is essential. But it must be remembered that there is a vital difference between white and Indian education. When a white youth goes away to school or college his moral character and habits are already formed and well defined. In his home, at his mother's knee, from his earliest moments he has imbibed those elements of civilization which developing as he grows up distinguish him from the savage. He goes to school not to acquire a moral character, but to prepare himself for some business or profession by which he can make his way in after life.

With the Indian youth it is quite different. Born a savage and raised in an atmosphere of superstition and ignorance, he lacks at the outset those advantages which are inherited by his white brother and enjoyed from the cradle. His moral character has yet to be formed. If he is to rise from his low estate the germs of a nobler existence must be implanted in him and cultivated. He must be taught to lay aside his savage customs like a garment and take upon himself the habits of civilized life.

In a word, the primary object of a white school is to educate the mind; the primary essential of Indian education is to enlighten the soul. Under our system of government the latter is not the function of the state.

What, then, is the function of the state? Briefly this: To see that the Indian has the opportunity for self-support, and that he is afforded

the same protection of his person and property as is given to others. That being done, he should be thrown entirely upon his own resources to become a useful member of the community in which he lives, or not, according as he exerts himself or fails to make an effort. He should be located where the conditions are such that by the exercise of ordinary industry and prudence he can support himself and family. He must be made to realize that in the sweat of his face he shall eat his bread. He must be brought to recognize the dignity of labor and the importance of building and maintaining a home. He must understand that the more useful he is there the more useful he will be to society. It is there he must find the incentive to work, and from it must come the uplifting of his race.

As has been said before, in the beginning of his undertaking he should have aid and instruction. He is entitled to that. Necessaries of life also will doubtless have to be furnished him for a time, at least until his labor becomes productive. More than this, so long as the Indians are wards of the General Government and until they have been absorbed by and become a part of the community in which they live, day schools should be established at convenient places where they may learn enough to transact the ordinary business of life. Beyond this in the way of schools it is not necessary to go—beyond this it is a detriment to go. The key to the whole situation is the home. Improvement must begin there. The first and most important object to be attained is the elevation of the domestic life. Until that is accomplished it is futile to talk of higher education.

This is a mere outline. There are many details to be considered and some difficulties to overcome. Of course it can not all be done at once. Different conditions prevail in different sections of the country. In some places the conditions are already ripe for the surrender of Government control; in others the natural conditions are such and the Indians are so situated that if protected in their rights they should soon be ready for independence. But in other places the question assumes a more serious aspect. Located in an arid region, upon unproductive reservations, often in a rigorous climate, there is no chance for the Indian to make a living, even if he would. The larger and more powerful tribes are so situated. So long as this state of things exists the ration system with all its evils must continue. There can be little or no further reduction in that direction than that already made without violating the dictates of humanity. Already in several quarters there is suffering and want. In these cases something should be done toward placing such Indians in a position where they can support themselves, and that something should be done quickly.

But whatever the condition of the Indian may be, he should be removed from a state of dependence to one of independence. And the only way to do this is to take away those things that encourage him



to lead an idle life, and, after giving him a fair start, leave him to take care of himself. To that it must come in the end, and the sooner steps are taken to bring it about the better. That there will be many failures and much suffering is inevitable in the very nature of things, for it is only by sacrifice and suffering that the heights of civilization are reached.

### CUTTING OFF RATIONS.

In pursuance of the policy of the Department to cut off rations from all Indians except those who are incapacitated in some way from earning a support, this office issued an order in June last to the six great Sioux agencies directing the agents to erase from the ration rolls all Indians who had become self-supporting and had therefore complied with the Black Hills treaty of 1877. And further, to issue rations to other Indians only in accord with their actual needs and to inaugurate, wherever it is possible, the policy of giving rations only in return for labor performed, either for themselves or for the benefit of the tribe.

While a sufficient lapse of time has not taken place to determine the great benefit this action will have on the industrial and educational progress of these Indians, the results obtained so far have been very gratifying, as well as surprising. At one agency 870 persons were declared entirely self-supporting and were dropped from the ration rolls; at another, 400; at another, 300. Of course a large number of these were "squaw men" and their families. Some were not only self-supporting, but able to live in comparative affluence; some had grown wealthy through the ration system. At first the order caused considerable dissatisfaction among those it affected, as naturally it would, but it was well received by the majority of the Indians. It would seem rather a sad commentary on the ration system to see Indians driving into the agency regularly in buggies and carriages to receive a gratuitous distribution of supplies from an indulgent Government "to keep them from starving."

Since the issuance of the above order to the Sioux a somewhat similar order has been issued to all other ration agencies. These agencies receive rations under a somewhat different arrangement, as in almost every instance the ration is a gratuity and not stipulated by any treaty, as in the case of the Sioux. Here the order has been better received and the result has been equally surprising. The office feels that a great stride has been taken toward the advancement, civilization, and independence of the race; a step, that if followed up, will lead to the discontinuance of the ration system as far as it applies to able-bodied Indians, the abolition of the reservation, and ultimately to the absorption of the Indian into our body politic.

The application of the present policy to Indian reservations is not by any means entirely new except in the general application. A very

few agents had adopted the system already with very marked and gratifying results. On one reservation quite a number of those erased from the ration rolls became earnest advocates for this policy, and were very much elated when another name would fall from the rolls. These became excellent helpers, and rendered the Government much assistance by example and precept. Their influence was very strongly felt and was worth more toward the advancement of the tribe than many times their number of "outside" or white people.

## FINANCE.

**Appropriations.**—The aggregate of the appropriations contained in the act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, is \$9,736,186.09, which represents the total amount appropriated for the Indian service.

The aggregate of the appropriations made for the fiscal year 1901 is \$9,040,475.89. The aggregate given in the last annual report was \$8,873,239.24. The difference of \$167,236.65 is accounted for by appropriations made since that report in the urgent deficiency act of January 4, 1901, and the deficiency act of March 3, 1901, as follows:

Current and contingent expenses.....	\$20,000.00
Miscellaneous.....	144,200.00
Support of schools.....	3,036.65
<b>Total.....</b>	<b>167,236.65</b>

The different objects of appropriations for the two years are shown by the following table:

TABLE 1.—*Appropriations for the Indian service for the fiscal years 1901 and 1902.*

	1901.	1902.
Current and contingent expenses .....	\$844,240.00	\$738,240.00
Fulfilling treaty stipulations .....	2,512,447.45	2,229,846.09
Miscellaneous support, gratuities .....	646,500.00	628,000.00
Incidental expenses .....	92,680.00	93,400.00
Support of schools .....	3,083,403.65	3,244,250.00
Miscellaneous .....	1,185,204.79	723,060.00
Payment for lands .....	676,000.00	1,925,000.00
Capitalization of annuities .....		154,400.00
<b>Total.....</b>	<b>9,040,475.89</b>	<b>9,736,186.09</b>

The excess of 1902 over 1901 is \$695,710.20. This excess is accounted for as follows:

**Increase:**

Incidental expenses.....	\$720. 00
Support of schools.....	160, 846. 35
Payment for lands.....	1, 249, 000. 00
Capitalization of annuities.....	154, 400. 00
	<hr/>
	1, 564, 966. 35

**Decrease:**

Current and contingent expenses.....	\$106, 000. 00
Fulfilling treaty stipulations.....	282, 601. 36
Miscellaneous support, gratuities.....	18, 500. 00
Miscellaneous.....	462, 154. 79
	<hr/>
	869, 256. 15
	<hr/>
	695, 710. 20

The estimates for 1902 submitted to Congress were as follows:

Current and contingent expenses.....	\$736, 540. 00
Fulfilling treaty stipulations.....	2, 229, 846. 09
Miscellaneous supports, gratuities.....	618, 500. 00
Incidental expenses.....	92, 400. 00
Support of schools.....	2, 989, 585. 00
Miscellaneous.....	658, 700. 00
Payment for lands.....	1, 925, 000. 00
	<hr/>
Total.....	9, 250, 571. 09

**Expenditures.**—The total expenditures for the fiscal year ending June 30, 1901, were \$10,896,073.35, as follows:

Current and contingent expenses.....	\$747, 997. 87
Fulfilling treaty stipulations.....	2, 413, 090. 50
Miscellaneous supports, gratuities.....	644, 446. 16
Trust funds:	
Principal.....	\$392, 042. 39
Interest.....	1, 347, 605. 80
	<hr/>
	1, 739, 648. 19
Incidental expenses.....	80, 196. 78
Support of schools.....	3, 024, 021. 81
Miscellaneous.....	2, 246, 672. 04
	<hr/>
	10, 896, 073. 35

It is estimated that of the amount reported above as expended in fulfilling treaty stipulations fully \$600,000 were spent for school purposes. Add this to the amount reported expended for support of schools and it will appear that the total amount expended for Indian education exceeded \$3, 600, 000.

## EDUCATION.

Education and civilization are practically synonyms, and in the present state of all nations the last is impossible without the first. The Indian tribes of the United States are no exception to the universal rule. The Indians who have made the most advancement are those who have assimilated the white man's educational methods in greater or lesser degree. To civilize, therefore, is to educate, and to educate means the breaking up of tribal customs, manners, and barbarous usages, and the assumption of the manners, usages, and customs of the superior race with whom they are thereafter to be thrown in contact.

Statistical information indicates that the present system of industrial education, supplemented by a common-school curriculum, is making steady inroads upon the inherited tendencies of these people. The processes are of necessity gradual, and to be appreciated the conditions of to-day must be contrasted with those of a generation ago, when the system was in the formative state. Familiarity with the Indians, then and now, furnishes gratifying indications that the ultimate solution of the Indian problem is in sight. The effect of substituting acquired for hereditary tendencies can already be seen and compared, demonstrating beyond argument that persistent efforts along the well-defined lines of the present policy, extending through a generation, will fix new habits, inculcate new aspirations, and bring the Indian into homogeneous relations with the American people.

The Indian school system is a simple one, coordinated in all its parts for the attainment of the end to be reached. It has prepared and will continue to prepare the Indian youth of our land for the duties and responsibilities of American citizenship.

For the purpose of administration Indian schools are divided into day and boarding schools. The former are located usually upon the reservations, and are maintained for camp Indians. Some of these, however, are situated off the reservations, and are conducted in buildings owned by the Indians or rented by the Government. Boarding schools on the reservations are known as "reservation schools," while those located away from the Indian land, as "nonreservation schools." Aside from these schools under strictly governmental control there are mission schools conducted by religious and benevolent associations. Public schools are also utilized wherever the State or Territorial authorities will permit coeducation of the races.

### RELATION OF THE RESERVATION TO EDUCATION.

Indian reservations were the outgrowth of the humanitarian policy of the Government in dealing with wild bands of marauding savages who in the early portion of the last century roamed over large sec-

tions of the United States. It was a matter of segregating and confining them, for political and commercial reasons, upon limited areas, where they could either be under definite surveillance or exterminated as a race. There appeared to be no middle ground between surveillance and extermination, and the former was adopted as a fixed policy, which has continued until the present time. The vicious ration and annuity system was its logical corollary.

However wise such a policy may have been during the past century, the condition of the Indian and his surrounding white neighbors at the beginning of a new century demand a change. Then the West was sparsely settled; the hardy pioneer went to his work, as did his earlier prototype from Europe, with ax and gun in hand; the railroad and telegraph were in their infancy, and this vast domain gave little promise of its present greatness. Now the busy wheels of commerce, the hum of industry, and the lowing of countless millions of cattle upon the broad prairies, supplanting the buffalo, can be heard; bustling cities, with teeming thousands, have sprung up on the sites of old Indian homes and battlefields. Conditions have changed, and policies must be changed to suit them. The past two generations have witnessed the sowing of the seeds of education and civilization by both the Government and the missionaries. These seeds have not always fallen on barren ground, but have produced some good results. Advancing white civilization has unconsciously aided the development of the Indian, until there remain few reservations upon which at present the educational interests are not paramount to all others.

During the past four years the endeavor of this office has been to crystallize the newer policy of abandoning the reservation system of Indian government wherever practicable. Constant tutelage is not conducive to the evolution of a manly character. Responsibilities must be assumed, met, and appreciated. Under the old agency system this idea could not be fostered, but as schools have multiplied and students have returned from distant schools to quicken the entire mass of Indian thought, the change may now profitably be made, not only for the Indian, but for the surrounding whites.

The principle above outlined was advanced early in the last decade, when Congress, in the appropriation act for the fiscal year 1893, declared that—

The superintendent of the Indian Training School at Cherokee, N. C., shall, in addition to his duties as superintendent, perform the duties heretofore required of the agent at said Cherokee Agency, and receive in addition to his salary as superintendent, \$200 per annum, which sum is hereby appropriated for the purpose, and shall give bond as other Indian agents, and that the office of agent be, and the same is hereby, abolished at that place.

In the appropriation act for the succeeding year a clause was inserted giving the Commissioner of Indian Affairs, with the approval of the

Secretary of the Interior, general authority to devolve the duties of any Indian agency upon the bonded superintendent of the training school at such agency, whenever in his judgment such superintendent could properly perform the duties of the position. This item has been continued in all subsequent appropriation acts.

There were 57 Indian agencies in 1893, which were increased the next year to 58, dropping the succeeding year to 57 again, since which time there has been no increase in the number allowed by Congress. For 1896 the number was 57, and for each of the succeeding years, including 1900, there were 56. A material reduction of these was made in 1901, and a further one of four for 1902, leaving for the present fiscal year, 1902, 49 Indian agents appropriated for.

As stated, the first change was made by placing the superintendent of the Eastern Cherokee School in charge of the reservation. The next was made in 1895, when the duties of the Puyallup Consolidated Agency, Wash., and the Grande Ronde Agency, Oreg., were devolved, respectively, on the two superintendents of the training schools. In 1897 the superintendent of the training school assumed the duties of the Round Valley Agency in California, and in 1899 similar action was taken at Hupa Valley Agency in the same State. There were a number of such changes during the next two years, as at the agencies of Mescalero, N. Mex.; Western Shoshoni, Nev.; Nevada, in Nevada; Quapaw, Okla.; Warm Springs, Oreg.; and Sisseton, S. Dak. Portions of agencies were, during the present and past fiscal years, dissevered and erected into separate jurisdictions under charge of the bonded superintendents of training schools located on such dissevered portions. These were Moqui in Arizona, from the Navaho Agency; Fort Yuma, Ariz., from the Mission Tule in California; and the Pawnee, from the Ponca, Pawnee, Oto, and Oakland Agency, Okla. The Oneida Indians were placed under the superintendent of the Oneida (Wisconsin) school; certain Winnebago under the superintendent of the Wittenberg (Wisconsin) school; the Flandreau Sioux, under the superintendent of the Flandreau (South Dakota) school; the Walapai and Havasupai under the superintendent of the Truxton Canyon (Arizona) school; and the various Pueblo day schools and adult Indians were divided between the superintendents, respectively, of the training schools at Santa Fe and Albuquerque, N. Mex.

Congress in the appropriation act for the fiscal year 1902, having failed to provide for the United States Indian agents at Tualip, Wash., and Siletz, Oreg., these reservations were on July 1 placed in charge of the superintendents of the training schools.

The long distance of nearly 200 miles placed the western portion of the Navaho Reservation, in Arizona so far from the agency that some arrangement was required for the proper supervision of the Indians located there; therefore, in July of this year, that portion of the

reservation, and a small section of the northwest corner of the Moqui Reservation, were segregated and placed in charge of the bonded superintendent of the Western Navaho training school situated at Blue Canyon.

From the above data it will be seen that, although the idea of placing the educational features of the reservation in advance of that of the adults originated scarcely ten years ago, it has been practicable to carry out the same at a few places only. The experiment, for experiment it was, has now been fully tried, and demonstrates beyond question that the policy is in the line of good administration and makes a distinct advance in the solution of the Indian problem. At the places named the substitution of the bonded superintendent of the school for the Indian agent has invariably produced good results. The business interests of the adults are as carefully conserved as they were under the jurisdiction of an agent, while, on the other hand, the education and civilization of these people are given their proper preeminence.

The perpetuation of the reservation and agency systems at those places where such systems have outlived their usefulness means the perpetuation of the Indian problem and indefinite appropriations by Congress. A careful, economical administration clearly indicates the duty of this Department to advance all policies that tend to the final and early abandonment of the paternal dealings of the Government with the Indians. That the reservation system of segregating these peoples does not solve the problem is illustrated by the New York Indians and the Pamunkies of Virginia. At the time of the settlement of Jamestown, Va., in 1607, the territory surrounding the same was the home of three great Indian confederacies, of which the largest was the Powhatan. The most powerful of these tribes was the Pamunky, numbering at that time about 1,000. "The history of these Pamunky Indians, whose distinction is to be the only Virginia tribe that has survived the encroachments of civilization" until the present time, when they are still living on their reservation of 800 acres, with a population of 100, fully illustrates the futility of endeavoring to solve the Indian problem by continuing longer than necessary for police and commercial reasons the numberless Western Indian reservations and their coordinate evils of rations, clothing, and governmental control.

The Indians can not be made an integral part of the body politic or fitted for citizenship by herding them on limited areas, with a separate government, and feeding them in idleness; but they can be thus advanced by giving the children industrial training, breaking up their reservations, and throwing them upon their own resources among the white people.

The Pamunky Indian segregated from the people surrounding him has remained a Pamunky Indian for three hundred years; but, on the

other hand, the Iowa Indian on the Great Nemaha Reservation in Kansas has in several generations, under the processes outlined, reached that state where he is being absorbed and assimilated by the surrounding white people. Supervisor of Schools A. O. Wright, in a recent report, stated that these Iowa Indians are rapidly ceasing to be Indians, and taking on the ways and customs of the white man; they prefer the white schools and are sending their children to them; that they are absolutely able to take care of themselves. The boarding school for these Indians was therefore abandoned at the beginning of the current fiscal year, and two day schools substituted. In a year or so these may be given over to the general public for use of both Indian and white children as public schools.

#### TRAINING OF PUPILS.

The ground work of all instruction in Indian schools is the systematic inculcation of the principles of work. The central thought is the teaching of pupils how to labor and to so apportion the same that the results will appear in their own lives and homes. The entire history of these people is filled with legends against the dignity of work. Drudgery was the part of woman, and idleness of man. Even the women of the tribe bound their own chains tighter by pointing the finger of scorn at the reckless warrior who braved the traditions of his race by engaging in honest toil for the support of his family. In derision he was called a "squaw," and made to feel his inferiority. With these hereditary instincts to combat, the discouragements of the schools have been very great.

The systematic work of the boarding schools is irksome to the pupils themselves. They prefer the wild, free, and easy life among the woods, where care comes only from nature's cravings of hunger. The school people therefore get little encouragement from parents, many of whom contend that their children are sent to the schools not to work like squaws, but simply to be taught from the white man's books.

The coordination of work and study is the prime essential in the course of study in Indian schools. All the schools teach the practical doing of that which the mind, under proper intellectual stimulus, finds should be done. The literary training is limited to that usually embraced in the curriculum of the white public schools, while the industrial pursuits taught are of that character determined by the natural aptitude of the pupil and his future environment.

As a very large percentage of the boys propose to live on their allotments, and thus become farmers, stress is laid on those trades the rudiments of which every agriculturist should understand. They are taught blacksmithing, carpentry, stock raising, care of tools, and such allied industries to an extent commensurate with their future vocation.



The larger training schools elaborate these industries, and the iron and wood work of the average Indian boy will bear favorable comparison with that turned out of the white schools. Statistics of returned pupils indicate that there are hundreds of graduates of the training schools who are earning their own living as shoemakers or cobblers, blacksmiths, carpenters, bricklayers, painters, farmers, etc. The ratio of skilled workmen among these may not be so great as among the whites, but it is sufficient to illustrate the practicability of their becoming self-supporting. As laborers, where freed from the debasing influence of rations and annuities, they are as good as the average of the country. Many miles of irrigation ditches have been constructed on various reservations by this labor, and their faithfulness and efficiency are fully attested when under kindly and intelligent supervision.

The Indian girl, as well as her white sisters, is handicapped in the eternal struggle of life. Her opportunities for earning her own livelihood are more restricted than theirs; but as time rolls on these restrictions must disappear, as they have for the white woman.

Samples of garments cut, fitted, and made by the brighter girls in the training schools would not be out of place in first-class white shops. The capacity is inherent in the Indian, and its development is only a question of time. These pupils are taught the care of home, the production of simple household articles, mending, and the manifold duties of the housewife. Cooking is theoretically and practically taught. The demand for Indian cooks from those institutions which make a specialty of this training evidences the opening of new avenues by means of which they make escape from the iron barriers of the reservation. As nurses they are sympathetic, efficient, and faithful. Every opportunity which can be afforded is presented, that they may become independent. Many who go back to their homes marry educated Indians, and seem anxious to put into practice the lessons learned in the schools.

The day in Indian schools is divided into two parts of three hours each, one of which is devoted to the study of books and the other to industries taught in the schools. The object of education is civilization, and the object of civilization is to make the Indian self-reliant, self-supporting, and independent of further bounties on the part of the General Government. The present system of industrial training is for this purpose, and results seem to indicate that it is successful so far as it goes. The demands upon the generous appropriations of Congress are so great for the construction and repair of buildings that frequently the equipment of schools for industrial training is not always adequate to the necessities, but no matter how small and meager the equipment may be, the school officials are required to utilize all means at their command for carrying out the general plan. At

many reservations, although it is frequently unsatisfactory, agency shops and employees are employed for training pupils in the simple industries.

The new course of study prepared by the superintendent of Indian schools follows closely the line of policy here outlined, and will result in greater uniformity of method and work. Its flexibility, without destroying the method or purpose, permits its adaptability to the various tribes, whose mental characteristics are as varied as the reservations on which they reside.

#### COMPULSORY EDUCATION.

Although surrounded by a superior civilization and provided with schools in their midst, great numbers upon many reservations still retain the use of their own language or are not sufficiently fluent in the use of English to comprehend readily the great movement being made for the benefit of their children. Collecting agents for nonreservation schools have exceeding difficulty in making the conservative Indian understand the reasons why the Government desires to place his child in school. Never having had the benefit of such opportunities the adult Indian fails to understand the advantages which can accrue to their loved ones by taking them from the parental tepee and placing them among strangers. Coupled with a natural disinclination to lose sight of his children, his hereditary language, manners, and customs are all sacred to him; nor does he desire his children to learn those things which are to him foreign and distasteful. Love of his own vernacular has been imbued for generations, and on some reservations it is no uncommon occurrence for the older element, as in the past, to recount in their own picturesque language the woes caused by the advent of the white man, the host of so-called broken treaties, disregarded promises, and general bad treatment of the Government. This constant repetition by the fathers and grandfathers tends to inculcate an unconscious dislike, if not a positive hate, for the ways of civilization. The industrial feature of Indian schools does not appeal to him, as the savage rarely earns his living by the sweat of his brow. The women of the tribe are generally the breadwinners when manual labor is required. Around the camp fire legends of the past are poured in willing ears, and when a collecting agent from Government or mission school appears he is an unwelcome shadow on pleasant dreams. If, perchance, the awakening of hope for a better future springs into the heart of the young boy or girl and his consent is obtained, it not infrequently occurs that some toothless grandmother or old chieftain interposes an objection which sentimentalists argue should be respected by the Government. To do so will permit, if not force, the progeny of a race capable of taking its place in our civilization to grow up in

ignorance and idleness. Some argue that "to break up this Indian home relation deliberately and systematically may apparently aid in solving the problem by casting off all the older generation as beyond help and unworthy of it, but to do so is to fight against nature, and in the end against God and the principles which lie at the foundation of home and state."

It is not the purpose of the Government to break up the Indian's home, but to strengthen it; nor is it a part of the policy to have no sympathy for the older Indian, however patent the fact that he has grown gray in the ways of his ancestors, and walks on in defiance of civilization. The home life of the average Indian, who objects to the education of his children, is not founded upon "the principles which lie at the foundation of home and state." That home life is antagonistic in every respect to all those vital elements which have built up this great Commonwealth.

There is another class of Indians who objects to his child being sent away from the reservation to school. The people do not want to change their method of living so long as the Government is willing to feed and clothe them. The school educates the child to be self-supporting and independent. It encourages him to leave his reservation and strike out for himself among the white people. Herein is a material reduction in the "summum bonum" of this class, who may have to exert themselves thereafter to secure more rations.

While Indians of the characters above described are far too numerous, there are yet a great many who are anxious to give their children every advantage. Force is always distasteful, and it is rarely used in compelling attendance, but the necessity for proper authority to do so is plainly indicated. That enlightened communities of this country and Europe require such laws is evidence that they are essential for those Indians who, from ignorance or other causes, interfere with the attendance of pupils.

Realizing the necessity for banishing ignorance from its borders, the State of Idaho has taken a step in the right direction. The following is the text of a law recently passed by the legislature of that State:

AN ACT compelling the attendance of children at schools where tuition, lodging, food, and clothing are furnished at the expense of the United States or the State of Idaho.

*Be it enacted by the legislature of the State of Idaho:*

SECTION 1. That whenever the Government of the United States or the State of Idaho shall erect, or caused to be erected and maintained, a school for general educational purposes within the State of Idaho, and the expense of the tuition, lodging, food, and clothing of the pupils therein is borne by the United States or the State of Idaho, it shall be compulsory on the part of every parent, guardian, or other person in the State of Idaho having control of a child or children between the ages of five

and eighteen years, eligible to attend said school, to send such child or children to said school for a period of nine months in each year, or during the annual term, unless such child or children is or are excused from such attendance by the principal or superintendent of said school, upon its being shown to the satisfaction of said principal or superintendent that the bodily or mental condition of such child or children has been and is such as to prevent his, her, or their attendance at school, or application at study for the period required, or that such child or children is or are taught in the public schools, private school, or at other school or at home in such branches as are usually taught in public schools: *Provided*, That in case the Government of the United States or the State of Idaho does not make provision for free transportation of said child or children to and from their homes to said school, then he, she, or they shall not be liable to the provisions of this act, unless they reside less than ten miles from such school.

SEC. 2. It shall be the duty of all principals or superintendents of the school or schools mentioned in this act, before attempting to enforce the provisions of this act hereinafter mentioned, to serve, or cause to be served, a demand for the attendance of certain children, naming them, and also designating the school to which their attendance is required, upon the parent, guardian, or other person having charge of said child or children as may be eligible to attend said school over which he has charge, and a copy of this act; and such parent, guardian, or other person having charge of said child or children shall have ten days to either deliver said child or children at said school or to the principal or superintendent thereof, or furnish satisfactory proof that the bodily or mental condition of said child will not admit of attendance.

SEC. 3. If, at the expiration of ten days after such notice or demand, the parents, guardian, or other person having charge of said child or children shall have failed or refused to comply with this act, the principal or superintendent shall cause a demand to be made upon such parent, guardian, or other person for the amount of the penalty hereinafter provided; and if such parent, guardian, or person shall neglect or refuse to pay the same within five days after making said demand, the superintendent or principal shall commence proceedings in the name of the State for the recovery of the fine hereinafter provided, before any court having jurisdiction: *Provided*, That nothing in this act shall apply to any child or children who is or are actually and necessarily compelled to labor for the support of such parent.

SEC. 4. Any parent, guardian, or other person having control or charge of any child or children, failing to comply with the provisions of this act, shall be liable to a fine of not less than five dollars nor more than twenty-five dollars for the first offense, nor less than ten dollars nor more than fifty dollars for the second offense and each subsequent offense, beside the cost of collection.

SEC. 5. All fines collected under the provisions of this act shall be paid into the county treasury, the same to be placed to the credit of the general school fund.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

Approved on the 12th day of March, 1901.

FRANK W. HUNT, *Governor*.

Full opportunity has not as yet been had for testing this law, but its provisions indicate that the people of that State are willing to cooperate with this department in compelling attendance.

Supt. H. B. Peairs, of Haskell Institute, Lawrence, Kans., collated data on the need of compulsory education furnished by 180 agents, superintendents, and supervisors in the Indian school work, of which number 176 were heartily in favor of some compulsory legislation.

The sum total of the reasons given were thus expressed by Superintendent Peairs:

The people are willing to be taxed for the purpose of aiding general education, but I do not believe they would approve the expenditure of millions of dollars year after year, and then go meekly to ignorant, superstitious Indians and ask them whether they will send their children to partake of the advantages provided and paid for. There is a feeling that Indian educational work should be only a temporary one, which is certainly true. To this end we believe all Indian children of suitable age should be kept in school.

Compulsory school laws have been fully discussed in previous reports of the Indian Department and action is again urged to the end that the final solution of the fate of the Indian may be hastened, the people relieved of heavy annual burdens for support of schools and adults, and the final disappearance of the Indian in the mass of white population.

#### COURT DECISION AS TO RUNAWAY PUPILS.

During the year 1900 an Indian boy, John Denomie, a son of John B. Denomie, a member of the Bad River tribe of Chippewa Indians, under the jurisdiction of the La Pointe Agency, in the State of Wisconsin, ran away from the Indian school at Flandreau, S. Dak., in which institution he had been regularly enrolled. Upon being punished for some infraction of the rules of that institution, he left it and went back to the reservation. The superintendent of the Flandreau school sent word to the United States Indian agent for the La Pointe Agency, advising him of the disappearance of the boy and requesting his return if found, as provided by the rules for the Indian school service. The United States Indian agent at Ashland, Wis., Mr. S. W. Campbell, directed Roger Patterson, the United States Government farmer at the Bad River Reservation, to ascertain if the boy was on the reservation, and if so to return him to the school. Patterson had the boy taken in charge by the police authorities of the reservation, and while on his way to the depot with the boy passed near the house occupied by the father of the boy, John B. Denomie. The boy's mother requested permission to say good-bye to her son, which request was granted. As soon, however, as the boy reached the door of the house the mother pulled him inside and locked the door, thus preventing the entrance of the policemen or of Patterson. She persisted in refusing to open the door after being informed by Patterson of the reasons why he had the boy in charge. Finally Patterson pushed the door open, thereby breaking the lock, again took the boy in custody, and returned him to the Indian school at Flandreau.

A suit was instituted against Roger Patterson, as farmer at the Bad River Reservation, in the circuit court of Ashland County, Wis., by John B. Denomie. The United States district attorney for the western

district of Wisconsin appeared for Patterson on the trial of the action, which took place the first week in July, 1901, at Ashland, Wis.

The evidence was all before the jury and the court directed a verdict in favor of Patterson, the defendant, upon the ground that the evidence showed that Patterson was engaged strictly in the discharge of his official duties pursuant to lawful directions received from the United States Indian agent. The facts as above set out were practically undisputed, although it is understood that the attorneys for John Denomie intend to appeal the case to the supreme court of the State. Such action, however, has not as yet been taken.

The United States district attorney in reporting the decision of the court states, "There would seem to be no question about the justice of the court's decision."

#### NONRESERVATION SCHOOLS.

The class of largest Government Indian schools is located off the reservations, and usually near large cities and centers of wealth and culture. These schools are supported by transfers from the reservation day and boarding schools, although many children are taken directly from the camps. They correspond more nearly with the great industrial and reform schools of the States. Military discipline is maintained, and thorough obedience to civil authorities inculcated. Literary training is subordinated to that for the industries. The majority is equipped with shops for shoe and harness making, carpentry, blacksmithing, wagon-making, and the teaching of other useful trades. Several have large domestic buildings adapted for the teaching of elementary and scientific cooking to the girls. These establishments are modeled after the most approved method.

Connected with the largest of these institutions is the "outing system" of placing boys and girls for stated periods with families throughout the surrounding country. Here they are taught the duties of farm hands and domestics. In these good homes they are in constant touch with the highest type of the American farmer. The sturdy integrity of this class is impressed by every-day example. They receive a certain compensation for their work, which is deposited to their credit with the school, and the value of labor and money is taught them. Many, at the same time, attend the white public schools. When the "outing system" can be adopted, through the cooperation of the white people, it forms a happy medium of imparting the lesson of Americanism.

These schools are 25 in number, and distributed as shown in the following table:

TABLE NO. 2.—*Location, capacity, attendance, etc., of nonreservation schools during fiscal year ended June 30, 1901.*

Location of school.	Date of opening.	Number of employees. <sup>1</sup>	Capacity.	Enrollment.	Average attendance.
Carlisle, Pa .....	Nov. 1, 1879	85	2,950	1,040	970
Chemawa, Oreg. (Salem) .....	Feb. 25, 1880	43	500	569	502
Chilocco, Okla. ....	Jan. 15, 1884	44	400	508	399
Genoa, Nebr. ....	Feb. 20, 1884	30	300	283	248
Albuquerque, N. Mex. ....	Aug. —, 1884	84	300	336	315
Lawrence, Kans. (Haskell Institute) .....	Sept. 1, 1884	57	700	746	633
Grand Junction, Colo. ....	—, 1886	21	170	229	177
Santa Fe, N. Mex. ....	Oct. —, 1880	29	300	346	316
Fort Mohave, Ariz. ....	Dec. —, 1880	21	170	170	164
Carson, Nev. ....	Dec. —, 1880	22	200	250	192
Pierre, S. Dak. ....	Feb. —, 1891	13	150	150	114
Phoenix, Ariz. ....	Sept. —, 1891	55	700	743	684
Fort Lewis, Colo. ....	Mar. —, 1892	38	300	347	301
Fort Shaw, Mont. ....	Dec. 27, 1892	30	300	340	302
Perris, Cal. ....	Jan. 9, 1893	18	150	223	204
Flandreau, S. Dak. ....	Mar. 7, 1893	34	350	383	339
Pipestone, Minn. ....	Feb. —, 1893	16	150	109	101
Mount Pleasant, Mich. ....	Jan. 3, 1893	23	300	291	200
Tomah, Wis. ....	Jan. 19, 1893	22	225	215	190
Wittenberg, Wis. <sup>2</sup> .....	Aug. 24, 1895	12	100	114	103
Greenville, Cal. <sup>2</sup> .....	Sept. 25, 1895	8	100	78	58
Morris, Minn. <sup>2</sup> .....	Apr. 3, 1897	18	150	176	152
Chamberlain, S. Dak. ....	Mar. —, 1898	13	100	118	109
Fort Bidwell, Cal. ....	Apr. 4, 1898	7	150	59	44
Rapid City, S. Dak. ....	Sept. 1, 1898	11	100	105	100
Total .....		704	7,315	7,928	6,917

<sup>1</sup> Excluding those receiving less than \$100 per annum.

<sup>2</sup> 1,500 with outing pupils.

<sup>2</sup> Previously a contract school.

Although there has been no increase in the number of these schools since the last report, there has been the material increase in average attendance of 676 pupils over the increase of the previous year of 237.

The school at Wittenberg, Wis., formerly a contract school, which had been conducted for several years by the Government under a lease from its owners, was purchased early in the year.

#### RESERVATION BOARDING SCHOOLS.

These institutions are situated on the Indian reservations. They vary in capacity from 30 pupils to 200. Some are abandoned army posts or old mission schools converted to present purposes. Those of later construction are modern in every detail. Their equipment, never so elaborate as the nonreservation schools, varies in proportion to their size and environment. The reservation boarding school proposes to take the pupil from the camp or day school, and through six or seven years lay the groundwork of future advancement in the schools away from the reservation. He is taught to work and the value of his labor. After completing a reasonable term, unless the boy or girl shows an aptitude for further advancement, and is willing to leave the reservation, he or she is returned home and the vacant place filled with fresh material. These schools are doing a great

work in preparing the way for emancipation from reservation life. Dissatisfaction with their present condition is inculcated that it may instill the desire to emulate the white man in his higher civilization.

These schools are preferably of smaller capacity than the nonreservation ones in order that there may be a greater individual treatment of the child in the formative period of his life.

There are 88 of these schools, an increase of 7 over last year. Only one large reservation is unprovided with an approximately adequate school. This is the Flathead, in Montana, where, during the past year, a small school with an attendance of 34 was maintained. The following day schools have been increased in facilities and classed as boarding schools: Havasupai, Ariz.; Flathead, Mont.; Southern Utah, formerly Shebit school; Bena, Cross Lake, and Cass Lake, under the Leech Lake Agency, Minn. The large Rice Station school, Arizona, and Truxton Canyon school, Arizona, have been opened, and are now fully organized. The Jicarilla school, in New Mexico, and the Southern Ute, in Colorado, will be opened early in the next school year. By act of Congress the Quapaw school, in Indian Territory, was consolidated with the Seneca school, and its boarding pupils are now cared for in the latter school. Hope school, at Springfield, S. Dak., which was originally a contract school, then leased by the Government, was purchased during the year, and is now conducted under the control of the Santee Agency, Nebr., as a school for girls alone.

The enrollment, 10,782, and average attendance, 9,316 pupils, being an increase over last year, respectively, of 1,178 and 1,222, are gratifying evidences of the zeal and energy of superintendents and agents in promoting educational interests on the reservations under their charge. The increase of 1,222 pupils in average attendance in these schools during the year is the largest in ten years, if not the largest ever had.

Brief statistics concerning these schools are given in the following table:

TABLE NO. 3.—*Location, date of opening, capacity, enrollment, and average attendance of Government reservation boarding schools during fiscal year ended June 30, 1901.*

Location.	Date of opening.	Capacity.	Enrollment.	Average attendance.
<b>Arizona:</b>				
Colorado River .....	Mar. —, 1879	100	105	103
Kearns Canyon, Hopi.....	—, 1887	120	158	150
Blue Canyon.....	July 1, 1899	40	70	59
Navaho.....	Dec. 25, 1881	180	177	158
Little Water.....	July 1, 1899	80	80	70
Pima.....	Sept. —, 1881	250	258	253
San Carlos.....	Oct. —, 1880	200	108	99
Fort Apache.....	Feb. —, 1894	65	104	96
Rice Station.....	Dec. 1, 1900	200	223	191
Supai.....	July 1, 1900	46	75	72
Truxton Canyon.....	Apr. 1, 1901	1130	64	62

<sup>1</sup>These figures are not counted in total of boarding schools for the reason that the pupils were transferred from the Hackberry day school to Truxton Canyon the last quarter of the fiscal year.



TABLE No. 3.—*Location, date of opening, capacity, enrollment, and average attendance of Government reservation boarding schools, etc.—Continued.*

Location.	Date of opening.	Capacity.	Enrollment.	Average attendance.
California:				
Fort Yuma .....	Apr. —, 1884	180	156	126
Hupa Valley .....	Jan. 21, 1893	163	191	143
Round Valley .....	Aug. 15, 1881	125	139	113
Idaho:				
Fort Hall .....	— —, 1874	150	175	156
Fort Lapwai .....	Sept. —, 1886	250	119	74
Lemhi .....	Sept. —, 1885	36	53	37
Indian Territory:				
Seneca, Shawnee, and Wyandot .....	June —, 1872	120	165	130
Iowa:				
Sauk and Fox .....	Oct. —, 1898	80	25	20
Kansas:				
Kickapoo .....	Oct. —, 1871	60	73	66
Potawatomi .....	— —, 1873	80	109	92
Great Nemaha .....	— —, 1871	40	41	31
Minnesota:				
Leech Lake .....	Nov. —, 1867	60	64	47
Pine Point .....	Mar. —, 1892	75	74	56
Red Lake .....	Nov. —, 1877	100	93	83
White Earth .....	— —, 1871	134	169	147
Wild Rice River .....	Mar. —, 1892	65	98	90
Bena .....	Jan. 1, 1901	40	54	42
Cass Lake .....	Jan. —, 1901	40	39	26
Cross Lake .....	Jan. —, 1901	40	44	31
Montana:				
Blackfeet .....	Jan. —, 1883	125	108	95
Crow .....	Oct. —, 1884	150	164	158
Fort Belknap .....	Aug. —, 1891	130	124	110
Fort Peck .....	Aug. —, 1881	200	249	195
Flathead .....	Feb. 4, 1901	35	45	34
Nebraska:				
Omaha .....	— —, 1881	50	70	57
Santee .....	Apr. —, 1874	80	120	106
Nevada:				
Nevada .....	Nov. —, 1882	60	69	55
Western Shoshone .....	Feb. 11, 1893	40	61	55
New Mexico:				
Mescalero .....	Apr. —, 1884	104	129	108
Zuni-Pueblo .....	Nov. —, 1896	70	67	30
North Carolina:				
Eastern Cherokee .....	Jan. 1, 1893	155	182	167
North Dakota:				
Fort Totten .....	— —, 1874	350	306	233
Standing Rock (Agency) .....	May —, 1877	136	185	164
Standing Rock (Agricultural) .....	— —, 1878	100	154	140
Standing Rock (Grand River) .....	Nov. 20, 1893	80	126	112
Fort Berthold .....	Apr. 2, 1900	80	105	101
Oklahoma:				
Absentee Shawnee .....	May —, 1872	60	106	94
Arapaho .....	Dec. —, 1872	150	124	116
Cheyenne .....	— —, 1879	140	141	134
Cantonment .....	May 4, 1899	120	126	111
Fort Sill .....	Aug. —, 1891	150	171	167
Kaw .....	Dec. —, 1869	44	51	47
Osage .....	Feb. —, 1874	150	166	149
Oto .....	Oct. —, 1876	75	94	83
Pawnee .....	— —, 1866	130	144	135
Ponca .....	Jan. —, 1883	100	113	101
Rainy Mountain .....	Sept. —, 1893	102	111	102
Red Moon .....	Feb. —, 1898	76	55	51
Riverside (Wichita) .....	Sept. —, 1871	150	168	157
Sauk and Fox .....	— —, 1868	120	109	89
Seger .....	Jan. 11, 1893	130	132	121
Oregon:				
Grande Ronde .....	Apr. —, 1874	90	93	84
Klamath .....	Feb. —, 1874	110	139	114
Siletz .....	Oct. —, 1873	100	74	60
Umatilla .....	Jan. —, 1883	80	109	85
Warm Springs .....	Nov. —, 1897	150	111	94
Yainax .....	Nov. —, 1882	80	106	88
South Dakota:				
Cheyenne River .....	Apr. 1, 1893	115	167	149
Crow Creek (Agency) .....	— —, 1874	140	145	125
Crow Creek (Grace Mission) .....	Feb. 1, 1897	41	52	48
Hope (Springfield) .....	Aug. 1, 1896	55	53	47
Lower Brulé .....	Oct. —, 1881	140	112	103
Pine Ridge .....	Dec. —, 1883	220	230	213

TABLE No. 3.—*Location, date of opening, capacity, enrollment, and average attendance of Government reservation boarding schools, etc.—Continued.*

Location.	Date of opening.	Capacity.	Enrollment.	Average attendance.
<b>South Dakota—Continued.</b>				
Sisseton .....	—, 1873	130	125	108
Rosebud .....	Sept. —, 1897	164	223	210
Yankton .....	Feb. —, 1882	150	153	114
<b>Utah:</b>				
Ouray .....	Apr. —, 1893	90	45	32
Uinta (Uintah) .....	Jan. —, 1881	80	73	49
Southern Utah .....	Oct. 2, 1900	35	38	20
<b>Washington:</b>				
Colville .....	July 1, 1899	250	136	110
Puyallup .....	Oct. —, 1873	225	274	225
Yakima .....	—, 1860	150	151	124
<b>Wisconsin:</b>				
Lac du Flambeau .....	July 10, 1895	150	157	143
Vermilion Lake .....	Oct. —, 1899	150	161	114
Green Bay Agency (Menominee) .....	—, 1876	160	160	138
Oneida .....	Mar. 27, 1893	200	221	195
<b>Wyoming:</b>				
Shoshoni .....	Apr. —, 1879	180	162	136
Total .....		10, 196	10, 782	9, 316

## GOVERNMENT DAY SCHOOLS.

The third class of Government schools is known as day schools. They are located in the majority of instances on reservations, and in others in communities where there are sufficient Indian children to support them. A few are known as "Independent day schools," from the fact that they are solely in charge of the teacher, who, while a regular Government official, is not bonded. The buildings are usually furnished by the Indians or their friends. Noonday lunches are provided by the Government at most of the day schools, which department is in charge of a housekeeper, who teaches the pupils the simpler arts of domestic life. Industrial pursuits commensurate with appliances are given the boys. These little schools are centers of missionary work on the part of the Government in sending some fragments of its civilization to the homes of the Indians.

Owing to the want of proper support the following day schools in California were discontinued: Baird, Hat Creek, and Fall River Mills. By reason of its proximity to the boarding school, day school No. 1, on Pine Ridge Reservation, S. Dak., was closed. Shebit, in Utah, and Hackberry, in Arizona, were merged into boarding schools. Day school No. 1, on Devils Lake Reservation, N. Dak., was destroyed by fire, and Baraga, Mich., Oneida, Wis., Nos. 2 and 3, and Lac Courte Oreille, Nos. 1 and 2, on La Pointe Reservation, in Wisconsin, were abandoned, by reason of failure to properly support them by pupils living near. The only new day school established was at Port Madison, in Washington.

Data concerning day schools are embodied in the following table:

TABLE NO. 4.—*Location, capacity, enrollment, and average attendance of Government day schools during fiscal year ended June 30, 1901.*

Location.	Capacity.	Enrollment.	Average attendance.
<b>Arizona:</b>			
Walapai (Hualapai)—			
Kingman.....	33	47	43
Hackberry.....	44	66	62
Pima Reservation—			
Gila Crossing.....	40	58	32
Salt River.....	44	53	46
Hopi Reservation (Moqui)—			
Oralbi.....	75	121	85
Polakakai (Polocco).....	35	53	41
Second Mesa.....	102	111	104
<b>California:</b>			
Big Pine.....	30	38	23
Bishop.....	60	61	38
Independence.....	28	17	13
Manchester.....	40	19	9
Mission Agency (11 schools).....	319	260	181
Potter Valley.....	50	34	29
Ukiah.....	24	25	16
Upper Lake.....	30	27	14
<b>Michigan:</b>			
Baraga.....	40	42	21
Bay Mills.....	50	40	14
<b>Minnesota:</b>			
Birch Cooley.....	36	32	23
<b>Montana:</b>			
Flathead Agency.....	185	19	6
Tongue River.....	32	39	31
<b>Nebraska:</b>			
Santee—			
Ponca.....	35	26	18
<b>Nevada:</b>			
Walker River.....	36	33	23
<b>New Mexico:</b>			
Pueblo—			
Acoma.....	50	41	19
Cochiti.....	30	28	14
Isleta.....	50	61	35
Jemez.....	35	53	22
Laguna.....	40	37	22
Nambe.....	29	19	11
Paguate (Pahuate).....	30	34	19
Paraje.....	20	21	15
Pescado.....	24	22	9
Picuris.....	16	22	9
Santa Ana.....	18	24	16
Santa Clara.....	30	26	15
San Felipe.....	70	73	53
San Ildefonso.....	21	23	15
San Juan.....	32	33	25
Santo Domingo.....	30	42	23
Sia (Zia).....	30	27	23
Taos.....	32	73	37
Tesuque.....	20	10	8
<b>North Dakota:</b>			
Devils Lake, Turtle Mountain (2 schools).....	80	131	53
Standing Rock (4 schools).....	145	151	129
Fort Berthold (3 schools).....	136	86	69
<b>Oklahoma:</b>			
Whirlwind.....	20	21	19
<b>South Dakota:</b>			
Cheyenne River (3 schools).....	72	79	65
Pine Ridge (32 schools).....	1,120	844	667
Rosebud (21 schools).....	578	585	509
<b>Washington:</b>			
Colville—			
Nespilem.....	40	49	26
Tulalip—			
Lummi.....	32	42	20
Swinomish.....	60	48	38
Port Madison.....	30	41	29
Tulalip.....	30	29	15
<b>Neah Bay—</b>			
Neah Bay.....	56	60	43
Quilleute (Quillehute).....	60	59	31

<sup>1</sup> Counted in Flathead Boarding School and not included in total of this table.

TABLE NO. 4.—*Location, capacity, enrollment, and average attendance of Government day schools during fiscal year ended June 30, 1901—Continued.*

Location.	Capacity.	Enrollment.	Average attendance.
Washington—Continued.			
Puyallup—			
Chehalis.....	40	26	15
Jamestown.....	30	25	19
Port Gamble.....	26	21	12
Quinalt.....	30	20	16
Skokomish.....	40	29	11
Wisconsin:			
Green Bay, Stockbridge.....	40	43	25
Oneida.....	32	41	19
La Pointe (7 schools).....	329	302	185
Total.....	4,816	4,622	3,277

## PUBLIC SCHOOL CONTRACTS.

The first contracts for the coeducation of Indians and whites in State and Territorial schools were made in 1891. That year 21 were contracted for, 7 enrolled, with an average attendance of 4. The largest number enrolled since that time was in 1896, since which period there has been a gradual decrease until the present, which indicates a slight increase over the previous year. This table shows the results of these contracts for the past eleven years:

TABLE NO. 5.—*Number of district public schools, showing number of pupils contracted for, enrollment, and average attendance from 1891 to 1901.*

Year.	Number of schools.	Contract number of pupils.	Enrollment.	Average attendance.	Ratio of average attendance to enrollment.
1891.....	8	91	7	4	<i>Per cent.</i> 57½
1892.....	14	212	190	106	56 —
1893.....	16	268	212	123	58 +
1894.....	27	259	204	101	50 —
1895.....	36	487	319	192	60 +
1896.....	45	558	413	294	71 +
1897.....	38	384	315	195	62 —
1898.....	31	340	314	177	57 —
1899.....	36	359	326	167	51 +
1900.....	22	175	246	118	48
1901.....	19	121	257	131	51 —

The distribution of the public schools having contracts for the education of Indian pupils is exhibited in the following table:

TABLE No. 6.—*Public schools at which Indian pupils were placed under contract with the Indian Bureau during fiscal year ended June 30, 1901.*

State.	School district.	County.	Contract number of pupils.	Number of months in session.	Enrollment.	Average attendance.
California.....	Anahuac.....	San Diego.....	7	8	7	4-
Idaho.....	No. 1.....	Bannock.....	9	9	3	2-
	No. 24.....	Bingham.....	4	8	4	3-
Michigan.....	No. 1.....	Isabella.....	4	9	4	1+
	No. 1, fractional.....	do.....	4	10	12	4-
	No. 6.....	Leelanaw.....		3	41	12
	No. 9.....	Lapeer.....	5	6	3	2+
Montana.....	Poplar.....	Valley.....		10	16	10
Nebraska.....	No. 1.....	Thurston.....	4	9	20	12+
	No. 6.....	do.....	3		3	2
	No. 14.....	do.....	8	6	17	7-
	No. 16.....	do.....	5	7	9	3-
	No. 17.....	do.....	10	10	18	7-
	No. 18.....	do.....	9	8	23	13
	No. 36.....	Knox.....	10	9	17	10+
Nevada.....	No. 2.....	Elko.....	2	10	2	2
	No. 6.....	do.....	2	7	2	2-
Oklahoma.....	No. 82.....	Blaine.....	4	3	3	1-
Oregon.....	No. 60.....	Coos.....	5	6	7	6
South Dakota.....	Independent.....	Stanley.....	16	8	22	16+
Wisconsin.....	No. 1, Odouch.....	Ashland.....	10	9	24	12-
Total.....			121		257	131

#### MISSION SCHOOLS.

These institutions are maintained on or near Indian reservations by the different religious bodies and missionary associations of the United States. They are owned and controlled by their conductors, the Government merely exercising supervisory direction to see that Indian pupils enrolled there are properly educated and cared for. They are valuable assistants in the general scheme of Indian civilization. As a rule they are sectarian in their teachings, and are conducted in conjunction with mission churches. The Department readily assists these schools in every way possible. At those reservations where rations are issued, the agents were permitted to give those to which the child would be entitled if at home with its parents, to the school at which the child was enrolled, deducting the same from the amount issued the parents. This permission has been revoked as unlawful.

Congress having failed to provide in the appropriation act for the fiscal year 1901 for the continuance of the contract-school system, those schools did not receive Government aid during the year. All were continued, however, as mission schools, and therefore are now classed (except Hampton Institute, for which Congress made a specific appropriation) under the general head of "mission schools." With this explanation the decrease in the contract schools, as shown in table No. 8, page 29, is readily understood.

There were enrolled in the mission boarding schools 3,531 pupils, with an average attendance of 3,120; day-school enrollment 272, average attendance 205; making, respectively, increases, at the boarding

schools of 2,469 enrolled, 2,174 in attendance, and at day schools 59 enrolled and 12 in average attendance. It is believed that the enrollment in these schools is greater than stated above, for the reason that there is a disinclination on the part of some of the mission schools to furnish statistics promptly and regularly.

The location, denomination, and other information relative to mission schools will be found in the following table:

TABLE No. 7.—*Location, capacity, enrollment, and average attendance of mission schools during fiscal year ended June 30, 1901.*

BOARDING SCHOOLS.

Location of school.	Supported by—	Capacity.	Enrollment.	Average attendance.
<b>ARIZONA.</b>				
Tucson.....	Presbyterian Church.....	170	168	158
<b>CALIFORNIA.</b>				
Banning.....	Catholic Church.....	150	139	125
San Diego.....	do.....	150	82	81
Kelseyville (St. Turibius).....	do.....	20	13	10
<b>IDAHO.</b>				
Cœur d'Alène Reservation: De Smet Mission.....	Catholic Church.....	150	93	83
<b>MICHIGAN.</b>				
Baraga.....	Catholic Church.....	140	27	24
Harbor Springs.....	do.....	126	85	82
<b>MINNESOTA.</b>				
White Earth Agency: St. Benedict's.....	Catholic Church.....	150	95	88
Leech Lake Agency: Red Lake Reservation, St. Marys.....	do.....	100	76	65
<b>MONTANA.</b>				
Blackfeet.....	Catholic Church.....	150	78	69
Crow.....	do.....	150	56	50
Flathead.....	do.....	350	163	143
Fort Belknap.....	do.....	250	105	92
Fort Peck Agency, Wolf Point.....	Presbyterian Church.....	30	29	22
Tongue River.....	Catholic Church.....	65	66	53
<b>NEBRASKA.</b>				
Santee Agency: Santee Normal (training).....	Congregational Church.....	125	98	81
<b>NEW MEXICO.</b>				
Bernalillo.....	Catholic Church.....	125	79	73
<b>NORTH DAKOTA.</b>				
Fort Berthold Agency: Mission Home.....	Congregational Church.....	46	34	28
Devils Lake Agency: St. Mary's (Turtle Mountain).....	Catholic Church.....	150	141	110
Standing Rock Agency: St. Elizabeth's.....	Episcopal Church.....	60	66	58
<b>OKLAHOMA.</b>				
Cheyenne and Arapaho Agency: Cantonment.....	Mennonite Church.....	60	29	26
Kiowa Agency: St. Patrick's.....	Catholic Church.....	125	85	77
Mary Gregory Memorial.....	Presbyterian Church.....	60	30	22
Cache Creek.....	Reform Presbyterian Church.....	50	51	48
Methvin.....	Methodist Church South.....	100	74	64
Osage Agency: St. Louis.....	Catholic Church.....	125	68	65
St. John's.....	do.....	150	46	44

TABLE No. 7.—*Location, capacity, enrollment, and average attendance of mission schools during fiscal year ended June 30, 1901—Continued.*

## BOARDING SCHOOLS—Continued.

Location of school.	Supported by—	Capacity.	Enroll-ment.	Average attend-ance.
<b>OKLAHOMA—continued.</b>				
Sauk and Fox Agency:				
Sacred Heart, St. Mary's Academy	Catholic Church	54	49	35
Sacred Heart, St. Benedict's	do	40	27	22
<b>OREGON.</b>				
Umatilla Agency:				
Kate Drexel's	Catholic Church	130	69	54
<b>SOUTH DAKOTA.</b>				
Crow Creek	Catholic Church	75	58	54
Cheyenne River Agency:				
St. John's	Episcopal Church	60	60	54
Plum Creek	Society for Propagation of the Gospel	10	10	9
Oahe	Congregational Church	50	32	30
Pine Ridge	Catholic Church	160	156	149
Rosebud Agency:				
St. Francis	do	230	213	206
St. Mary's	Episcopal Church	50	55	50
Goodwill Mission	Presbyterian Church	100	66	54
Yankton Agency:				
St. Paul's	Episcopal Church	50	49	43
<b>WASHINGTON.</b>				
Colville Mission	Catholic Church	150	66	56
Puyallup Reservation, St. George's	do	90	85	64
Tulalip	do	150	93	80
<b>WISCONSIN.</b>				
Green Bay	Catholic Church	170	153	125
La Pointe Agency:				
Bayfield	do	50	32	31
Odanah, St. Marys	do	80	85	81
<b>WYOMING.</b>				
Shoshoni Agency:				
St. Stephen's	Catholic Church	125	76	68
Shoshoni Mission	Episcopal Church	20	21	14
Total		5,171	3,531	3,120

## DAY SCHOOLS.

<b>ARIZONA.</b>				
Pima Agency:				
San Xavier	Catholic Church	125	100	84
St. John's Mission	do	100	83	53
<b>CALIFORNIA.</b>				
Pinole	Catholic Church	40	16	12
Ukiah	do	30	11	8
Kelseyville (St. Turibius <sup>1</sup> )	do		7	5
<b>MONTANA.</b>				
Fort Peck Agency:				
Wolf Point <sup>2</sup>	Presbyterian Church			4
<b>NEW MEXICO.</b>				
Pueblo:				
Seama	Presbyterian Church	60	46	33
<b>NEBRASKA.</b>				
Santee Agency:				
Santee Normal (training <sup>3</sup> )	Congregational Church		9	6
Total		355	272	205

<sup>1</sup> Attend St. Turibius Boarding School.<sup>2</sup> Attend Wolf Point Boarding School.<sup>3</sup> Attend Santee Normal Boarding School.

## ATTENDANCE.

For the purpose of exhibiting the enrollment and average attendance at all schools for the fiscal year 1901, aggregated and compared with the fiscal year 1900, the following table is presented:

TABLE No. 8.—*Enrollment and average attendance of Indian schools, 1900 and 1901, showing increase in 1901; also number of schools in 1901.*

Kind of school.	Enrollment.			Average attendance.			No. of schools, 1901.
	1900.	1901.	Increase (+) or decrease (-).	1900.	1901.	Increase (+) or decrease (-).	
Government schools:							
Nonreservation, boarding.....	7,430	7,928	+ 498	6,241	6,917	+ 676	25
Reservation, boarding.....	9,604	10,782	+1,178	8,094	9,316	+1,222	88
Day .....	5,090	4,622	- 468	3,525	3,277	- 248	138
Total .....	22,124	23,332	+1,208	17,860	19,510	+1,650	251
Contract schools:							
Boarding.....	2,376	.....	-2,376	2,098	.....	<sup>1</sup> -2,098	.....
Day .....	30	.....	- 30	24	.....	<sup>2</sup> - 24	.....
Boarding specially appropriated for.....	400	130	<sup>2</sup> - 270	329	<sup>2</sup> 111	- 218	1
Total .....	2,806	130	-2,676	2,451	111	-2,340	1
Public.....	246	257	+ 11	118	131	+ 13	( <sup>3</sup> )
Mission boarding.....	1,062	3,531	+2,469	946	3,120	+2,174	47
Mission day .....	213	272	+ 59	198	205	+ 12	5
Aggregate.....	26,451	27,522	+1,071	21,568	23,077	+1,509	304

<sup>1</sup> Taken up in mission schools.

<sup>2</sup> Hampton.

<sup>3</sup> Nineteen public schools in which pupils are taught not enumerated here.

The New York Indian schools are not included in the above table, as they are cared for by the State of New York. Under the Curtis act and several agreements this Department has supervisory control of educational matters in Indian Territory, and statistics relative to the Five Civilized Tribes will be found on page 125, and are therefore omitted from the above table.

There are now 25 nonreservation schools, as last year, 88 reservation boarding schools, an increase of 7, and 138 day schools, a decrease of 9, making total of Government schools conducted during the year 251, a decrease of 2 from the previous year.

The net increase in enrollment of 1,208 pupils, and 1,650 in attendance, are the largest in two years. Both reservation and nonreservation schools have so materially increased their numbers as to overbalance the small decrease of 248 in day schools. Several day schools were closed for short periods by reason of smallpox epidemics, while this disease and others of similar character interfered with a still larger attendance at the boarding schools.

A stringent regulation requiring compulsory vaccination at all schools was promulgated in the following circular, dated January 2, 1901:

The prevalence of smallpox at many points in the West and its frequent recurrence demand that every precaution shall be taken to guard the pupils enrolled in Indian



schools. Vaccination is considered an effective preventive of the disease, or at least a modification of its severity, and a check to its progress. It has, however, only been customary to resort to it when there was some immediate danger of infection, and then in many cases it has been performed too late to be of radical benefit, so that schools had to be closed, employees and children scattered, and a year's loss practically sustained. To prevent this a systematic method of vaccination must be inaugurated at every Indian school under control of the Government.

Upon receipt of this circular you will require the physician (agency or school, as the case may be) to vaccinate every pupil in the school who has not been vaccinated within the past two years.

Employees and employees' children must also be vaccinated, as it is the intention of this office to render the schools as nearly immune from smallpox as is possible under the present conditions of science.

If there is at any time any immediate danger of infection from smallpox at or near the school, all persons connected with such school must be vaccinated whether they have previously been vaccinated or not.

A careful and complete record must be made of the dates and names of those persons vaccinated. As soon as a new pupil is enrolled in the school he or she must be vaccinated.

Proper requisitions should be made from time to time for a sufficient number of vaccine points to keep the school supplied and enable the physician to vaccinate all new pupils, employees, etc.

It is believed that these precautions will minimize the danger from this ancient scourge of the Indian.

As stated in the report of this Department for the previous fiscal year, the total scholastic population of the country, excluding the Five Civilized Tribes and New York Indians, is between 45,000 and 47,000, from which must be taken the feeble, physically disabled, and children who from various causes can not be secured, about 30 per cent, which would leave as the net scholastic population about 34,000. There are now enrolled 27,522 pupils, with nearly 6,500 unprovided for. The larger proportion of these are on Navaho, Pima, San Carlos, and White Mountain Apache Reservations, in Arizona, and Flathead and Tongue River, in Montana. The natural increase in all schools for the past twenty odd years has been annually about 1,000, and if this ratio is maintained for the future, the possible enrollment will be met in five or six years; but this office is of opinion that a wiser policy should prevail. The reservations named furnish the bulk of the unprovided for excess, and adequate facilities should at once be made for taking it up within the next or succeeding year. The needs of these reservations are great, and every year's delay is detrimental to the best interests of the thousands of young Indians who are now growing up in ignorance. Now is the proper time, in order that years may be saved in the general plan for their uplifting. It will cost several hundred thousand dollars to accomplish this result, but the money will be wisely expended and hasten the day when no further appropriations need be made.

The following table gives a summary of schools and attendance extending through a period of a quarter of a century:

TABLE NO. 9.—*Number of Indian schools and average attendance from 1877 to 1900.*<sup>1</sup>

Year.	Boarding schools.		Day schools.*		Totals.	
	Number.	Average attendance.	Number.	Average attendance.	Number.	Average attendance.
1877	48		102		150	3,598
1878	49		119		168	4,142
1879	52		107		159	4,448
1880	60		109		169	4,651
1881	68		106		174	4,976
1882	71	3,077	76	1,637	147	4,714
1883	80	3,793	88	1,893	168	5,686
1884	87	4,723	98	2,237	185	6,960
1885	114	6,201	86	1,942	200	8,143
1886	115	7,260	99	2,370	214	9,630
1887	117	8,020	110	2,500	227	10,520
1888	126	8,705	107	2,715	233	11,420
1889	136	9,146	103	2,406	239	11,552
1890	140	9,865	106	2,367	246	12,232
1891	146	11,425	110	2,163	256	13,588
1892	149	12,422	126	2,745	275	15,167
1893	156	13,635	119	2,668	275	16,303
1894	157	14,457	115	2,639	272	17,220
1895	157	15,061	125	3,127	282	18,188
1896	156	15,683	140	3,579	296	19,262
1897	145	15,026	143	3,650	288	18,676
1898	148	16,112	149	3,536	297	19,648
1899	149	16,891	147	3,631	296	20,522
1900	153	17,708	154	3,860	307	21,568
1901	161	19,464	143	3,613	304	23,077

<sup>1</sup> Some of the figures in this table as printed prior to 1896 were taken from reports of the Superintendent of Indian Schools. As revised, they are all taken from the reports of the Commissioner of Indian Affairs. Prior to 1882 the figures include the New York schools.

\* Indian children attending public schools are included in the average attendance, but the schools are not included in the number of schools.

#### SCHOOL EMPLOYEES.

The earnest endeavor of this office has been, and is constantly, to improve the morale of the Indian school service, and to secure persons who are fitted by natural aptitude and training to carry on the arduous work of Indian civilization. It is especially gratifying to hear the words of commendation passed upon this band of faithful workers by those who contrast the present corps with that of the past.

The duties of the several positions in the school service are many and difficult. While bearing a relation to ordinary public school work, it is more exacting and confining. The hours are longer and the duties more varied. Hence, the qualifications that bring success in a white school are not an absolute criterion of the success a public school-teacher will have in this branch.

Employees are required to look carefully after the culture and morality of the pupils in the class rooms, dormitories, and at the work-benches. The Indian's education does not comprise the circle of classroom duties alone, but the wider one of home life in all its features.

The term at Indian schools is practically twelve months. During all this time the watchful eye of the employee must be upon the pupils

committed to his charge. This constant supervision requires what, under other circumstances, might seem an unusually large force. There were employed during the year 2,208 persons, of which number 1,529 were white, and 679 Indians. The annual salaries range from \$100 to \$2,000. The positions are divided as follows: Supervisors, 5 white; superintendents, 104 white; clerks, 41 white and 14 Indian; physicians, 23 white, 1 Indian; disciplinarians, 10 white, 17 Indian; teachers, 411 white, 72 Indians; kindergartners, 57 white, 2 Indian; manual-training teachers, 7 white; matrons, 105 white, 9 Indian; assistant matrons, 76 white, 58 Indian; nurses, 24 white, 4 Indian; seamstresses, 95 white, 65 Indian; laundresses, 73 white, 88 Indian; industrial teachers, 71 white, 39 Indian; cooks and bakers, 124 white, 90 Indian; farmers, 45 white, 29 Indian; blacksmiths and carpenters, 52 white, 12 Indian; engineers, 32 white, 23 Indian; tailors, 13 white, 5 Indian; shoe and harness makers, 22 white, 15 Indian; Indian assistants, 50. In addition to these there were employed several hundred pupils at salaries ranging from \$1 to \$5 per month as apprentices in various trades, etc. Miscellaneous positions, 139 white, 86 Indian.

#### INDIAN SCHOOL SERVICE INSTITUTES.

Under the direction of the Superintendent of Indian Schools five summer schools were held this year as follows: Keams Canyon, Ariz.; Pine Ridge Agency, S. Dak.; Puyallup Agency, Wash.; the Department of Indian Education at Detroit, and the Congress of Indian Educators at Buffalo, N. Y.

The summer schools at Keams Canyon, Ariz., Pine Ridge Agency, S. Dak., and Puyallup Agency, Wash., were well attended and the meetings interesting and instructive.

Probably the most successful gatherings of Indian educators ever convened were those of the Department of Indian Educators at Detroit, Mich., and the Congress of Indian Educators at Buffalo, N. Y. The aim and purpose of these meetings is a noble one, that of devising ways and means to improve and increase the efficiency of the system of Indian education and in every way to better the condition of the aborigines. By means of these annual conferences the isolated schools scattered throughout the country are molded into one connected whole, and the disconnected and independent striving of each separate school is made of benefit to all the others, the whole becoming an organized and harmonious movement toward the goal for which all are working. At each session there was a comparison and interchange of ideas, plans, and methods as practiced in the various sections of the country, the object being to give to each school the benefit of the experiences of the others, and many valuable conclusions were reached as a result.

In addition to the discussions the teachers attending the Detroit meeting received the benefit of addresses and lectures by some of the

ablest educators in America, while those present at the Buffalo convention were afforded the opportunity of studying the Indian exhibit and the various educational displays at the Pan-American Exposition.

The marvelous improvement that has been accomplished in the education of the Indian youth was shown by the collection of literary and industrial work displayed at Detroit. The display consisted of regular schoolroom work, fancy work, plain sewing, mending, darning, and work in wood, iron, and leather. All of this was excellently done, and the practical work attracted great attention and called forth many complimentary remarks. The whole exhibit was a credit to pupils and teachers, and showed the practical and thorough instruction being given in the Indian schools.

There was also on exhibition a fine collection of native work, consisting of baskets, blankets, rugs, and bead work, done by the old Indians, which attracted marked attention.

#### IMPROVEMENTS TO SCHOOL PLANTS.

The appropriation last year for construction, purchase, lease, and repair of school buildings, and for sewerage, water supply, and lighting plants, and purchase of school sites, was \$240,000. While this is apparently a large sum, when considered in the light of the magnitude of the work it is inadequate to the needs of the service. The valuation of the plants devoted to Indian education is over \$4,000,000, and the necessary work of repairing these buildings is great, thus not leaving a sufficient amount for the construction of new plants at points where they are required.

Plans for Indian schools require special adaptation to their requirements. Conditions vary in the sections where they are located, and therefore each must be designed with relation to the varying climatic needs. Water is the most difficult problem confronting this office, but is absolutely essential. Schools are, as a rule, located in the arid regions of the West, long distances from the centers of supply, making transportation expenses greater than in the East and more settled portions of the country. The construction of an Indian school means the building of a home for the children, a schoolhouse for their literary development, shops for their industrial training, farms and gardens for stock and vegetables. Thus in comparing the relative cost of these plants with public school buildings, the comparison is unfair, for the reason that the standard is not the same. It is believed, however, from the records that Indian school buildings are constructed in a good, workmanlike manner, and are economical in cost.

The distribution of the funds available for these purposes has been a serious as well as difficult problem, as the demands have been great and the funds small. Conditions are investigated and expenditures are made where there seem to be the most pressing needs; hence,

much has been left undone, causing adverse criticism until fully explained. The appropriation has been exhausted, and more could have been judiciously expended.

Improvements have been made during the year as follows: Water systems for the Cheyenne, Cantonment, and Arapaho schools on Cheyenne and Arapaho Agency, Okla.; general improvements, such as ring baths, etc., at Colville Agency school, Wash.; new dormitory and irrigation plant, Fort Yuma, Ariz.; improvements to water system at Fort Lewis, Colo.; extension of water system at Green Bay Agency school, Wis.; water system at Hoopa Valley, Cal.; an elaborate and extensive water, sewer, and irrigating system at Jicarilla, N. Mex.; new hospital at Klamath, Oreg.; heating plant for Lac du Flambeau, Wis.; acetylene gas plant for Leech Lake, Minn.; substantial improvements at Ponca, Okla.; water system, Sauk and Fox, Okla.; extension of water system at Yakima, Wash.; laundry at Oneida, Wis.; ice plant, irrigation ditch, workhouse and employees' quarters at San Carlos School, Ariz.; ice plant at Pima, Ariz.; shops at Greenville, Cal.; barn at Pawnee, Okla.; barns, etc., at Cass Lake, Minn.; water system at Yankton, S. Dak.

The capacities of a number of schools have been increased by the erection of new dormitories, such as Fort Yuma, Ariz.; Navaho, Ariz.; Round Valley, Cal.; Seger Colony, Okla., and Umatilla, Oreg.

The new school plant for the Winnebago Reservation in Nebraska has been completed, and is a substantial one for the accommodation of 80 to 100 pupils. It opens September 1 of the present year.

A boarding school plant for the Southern Ute Reservation in Colorado is now under contract, and will be ready for occupancy by January 1. It is a complete plant for 75 children, and is the fulfillment of the terms of the treaty made years ago.

The school for the Jicarilla Apache, of New Mexico, has been completed, and will be opened at the beginning of the present school year. It is modern in all its appointments, and will accommodate 125 children.

Aside from the general appropriation Congress makes specific provisions for improvements, new buildings, etc., at certain schools, while at other places treaty funds are available.

The new school at Hayward, Wis., has been completed, and will be opened for pupils at the beginning of the present scholastic year.

At Truxton Canyon, Ariz., a school plant has been completed, and was opened July 1 as a boarding school. Congress having made an appropriation of \$12,000 for a new school building, it is now being erected, and will materially increase the accommodations of the plant.

A new dormitory has been built at Mount Pleasant, Mich., together with additions to the mess hall and school buildings, which will restore

this school to its original capacity of 300 pupils previous to the destruction of the old dormitory.

To increase the industrial features at the Indian schools at Chamberlain, S. Dak., and Carson City, Nev., shop buildings have been erected. Acetylene-gas lighting plants have also been installed at each of these places, and also at Fort Mohave, Ariz.

Modern electric-light system and cold-storage warehouse have been erected at Chilocco, Okla.

Congress having appropriated \$25,000 for a new school building and \$5,000 for a new hospital at Genoa, Nebr., plans for the same are now under contract.

A new dormitory, for which there is appropriated \$20,000, at Grand Junction, Colo., has been completed. A new sewerage system has also been installed, which relieves unsanitary condition of the plant.

At the Kickapoo school in Kansas a new laundry, warehouse, employees' cottage, and water system complete an elegant little school plant for 75 pupils.

Haskell Institute, Lawrence, Kans., one of the largest school plants, has received handsome additions and improvements in the shape of a new school building, costing \$25,000; a new steam plant, \$10,000; a domestic building, \$25,000, and employees' building, \$5,000.

To increase its efficiency from an industrial standpoint and give more room for pupils, Congress has provided at the Salem school, Oregon, an industrial building, \$6,000; a brick dormitory, \$20,000; a laundry, \$5,000, and an extension of the steam heating and electric lighting plant, \$11,000, all of which are now under contract.

The Santa Fe school, New Mexico, has been improved by extending the school building, erecting a warehouse, and providing a lighting plant.

At the Shoshoni school, Wyoming, a new hospital and sewer and water system have been made.

The Tomah (Wis.) school has received material improvements by the erection of dormitories, superintendent's quarters, hospital, etc.

The Grand River Indian school, on the Standing Rock Reservation in North Dakota, has been enlarged by the erection of a new school building, remodeling the old dormitory, changing other buildings, and installing a complete sewer and water system, all of which will increase both its capacity and efficiency.

The principal improvement at Phoenix (Ariz.) school was an auditorium. The purchase of additional land, for which Congress appropriated \$4,800, will give needed facilities for extending the industrial training suited to that locality.

An extended water and sewer system, with necessary plumbing for buildings, is under contract for the Potawatomi school, Kansas.

Day school building No. 4, on the Pine Ridge Agency, S. Dak., was destroyed by fire caused by lightning, and has been rebuilt.

A new day school building has been provided for the Maricopa Indians of Arizona. This school has every prospect of being a complete success, and will supply a demand made by the Indians for some educational advantages.

Owing to delays incident to securing a proper line for the water supply, the building of the Pryor Creek school on the Crow Reservation in Montana has been necessarily delayed. The preliminaries have been settled, plans prepared, and the plant will soon be under contract.

Congress, in the appropriation act for the fiscal year 1901, set aside \$75,000 for the erection of Sherman Institute at Riverside, Cal., and subsequently in the act for the fiscal year 1902 increased this amount to \$150,000 for buildings and \$10,000 for additional land. Plans for buildings and improvement of grounds were formulated early in the spring, and the plant is now under contract. The old mission style of architecture has been adopted as peculiar and suitable to climatic and other conditions surrounding the school. It will be a complete industrial school for the Indians of southern California. It will be opened with a capacity of three or four hundred pupils during the year. The scholastic population of this section is so large that no difficulty is anticipated in maintaining the school with a full attendance at all times.

After considerable research, based upon reports of United States Indian Inspectors James McLaughlin and Walter H. Graves, a new site for the Moqui (Arizona) Indian school has been selected. It lies in the same canyon, and while not an ideal location, yet is the best which can be secured. Plans for the water and sewer systems and buildings to accommodate 150 pupils have been prepared, which will probably be placed under contract at an early date.

Plans for extensive improvements at the Osage (Oklahoma) Agency boarding school, consisting of improved water, sewer, and heating systems, with new buildings, have been prepared, and will be completed during the year. These additions and improvements will add materially to the appearance and efficiency of this school.

In the annual reports of this Department for several years past attention has been directed to the necessity of constant expert examination of Indian school plants. The yearly expenditures on this account amount on an average to half a million dollars, and in the utilization of this large sum reliance had to be in the great majority of cases on the untechnical judgment of agents, superintendents, and other officials. Reports indicated that such reliance was not always well founded. To cure this defect in the service, on July 17, 1901, recommendations were made that two positions of supervisor of engineering and supervisor of construction, each at a salary of \$2,500 per annum, be created, which

recommendations met with the approval of the honorable the Secretary of the Interior, and on July 29 R. M. Pringle, of St. Louis, Mo., and John Charles, of Menomonie, Wis., were respectively commissioned for these positions and entered on duty. Their employment will be of great benefit to the service and result in a more economical expenditure of funds available for the installation of new plants and the improvement of old ones.

#### IMPROVEMENTS AND PLANTS REQUIRED.

The possible enrollment of the Indian scholastic population in the schools will be reached in a few years. The rate of increase for the past decade and a half will average annually 1,000 pupils. Efforts to meet this increase, due to the dying out of the old and conservative element and the diffusion of returned pupils from the schools, must be made, and to that end a number of new plants are required, some to replace those which have been unfortunately located in the earlier days, and others to meet the demands of those reservations inadequately provided for.

The Flathead Reservation, in Montana, now has a small boarding school, with a capacity of 30 or 40 pupils, conducted in a rented building. This is a large reservation of 450. The mission school has an enrollment of 170, and with the Government school only provides for about half the children who should attend.

The great Navaho Reservation, in New Mexico and Arizona, contains, with its recent extensions, about 10,000 square miles, with a scholastic population of between 4,000 and 5,000, to meet which there are only three schools, accommodating about 300 pupils. These Indians are sober, industrious, and worthy of better education. They have not been demoralized by the ration and annuity issues, but depend for a livelihood upon their flocks and little plots of ground cultivated wherever a stream of water fertilizes this arid region. There should be at least three new boarding schools established for these people. It is almost impossible to get them away from their reservation unless the desire for improving their condition is instilled in them by a course in the reservation boarding schools. The cost of building plants on this reservation has been so excessive as to preclude this office from any extensive system of providing for the absolute educational needs of this vast number of young Indians. A special appropriation for these people should be made by Congress.

The condition of the White Mountain Apache Indians of Arizona is similar to that of the Navaho. This reservation has 488 pupils of school age, and only one school, with a forced capacity of 80 pupils. The field is a prolific one and should receive early attention.

The population of the Pueblo of New Mexico is stated to be nearly 10,000, out of which there should be a scholastic population of 2,000.



For these pupils there are maintained nineteen day schools. They are conducted in rented buildings for the reason that it has been impossible to secure title to land on which to erect buildings. The needs of these Indians are very great, and some effort should be made to improve the condition of the generation now growing up.

Taking the condition of the Indians of these two Territories into consideration, the entire amount of the appropriation available for all schools not specifically provided for could be used to their advantage and civilization in school plants alone.

The scholastic population of the Chippewa of Minnesota is about 2,280, and the schools, both Government and mission, have a capacity for 600. It is true that a large number, however, are away at nonreservation schools, but the above indicates the necessity for an enlargement of the schools established for their benefit. The funds now available for such purposes are not in any manner commensurate with their requirements.

The establishment of a school for the Northern Cheyenne on the Tongue River Reservation, in Montana, has been necessarily postponed, as no funds have been available. There is a great demand for adequate educational facilities for these Indians.

The unhealthy condition of the Blackfeet school, Montana, due to its unsanitary location, should be remedied at an early date. Plans have been prepared for its removal to a good site, but want of funds has prevented any action.

The large nonreservation school at Fort Shaw, Mont., requires extensive additions and improvements to fit it for the varied industries taught at such schools. The plant consists of the buildings of an abandoned military post, and as most of the structures are of adobe they will require a considerable expenditure to properly adapt them.

Owing to certain difficulties connected with the site, no definite steps have been taken with reference to the new school proposed for the Fort Hall Indians in Idaho. This will be done during the year.

The Indian appropriation act for the fiscal year 1902 contains the following item:

For erecting, constructing, and completing suitable school buildings for an Indian industrial school at or near the city of Mandan, in the State of North Dakota, upon lands to be donated to the Government for that purpose, of not less than one hundred and sixty acres in extent, and of such character and in such location as shall be deemed by the Secretary of the Interior to be most suitable for the purpose, and upon plans and specifications to be approved by the Secretary of the Interior, fifty thousand dollars.

A number of sites have been offered, and upon the determination of the most available one work will be begun on this plant. It is not expected, however, that the school can be opened until September 1, 1902.

## APPROPRIATIONS FOR SCHOOL PURPOSES.

The appropriations for Indian school purposes for the past twenty-four years, showing the increases and decreases over each preceding year, are exhibited in the following table:

TABLE 10.—*Annual appropriations made by the Government from and including the fiscal year 1877 for the support of Indian schools.*

Year.	Appropriation.	Per cent increase.	Year.	Appropriation.	Per cent increase.
1877.....	\$20,000	.....	1890.....	\$1,364,568	1
1878.....	30,000	50	1891.....	1,842,770	35
1879.....	60,000	100	1892.....	2,291,650	24.3
1880.....	75,000	25	1893.....	2,315,612	1.04
1881.....	75,000	.....	1894.....	2,243,497	13.5
1882.....	135,000	80	1895.....	2,060,695	18.87
1883.....	487,200	260	1896.....	2,056,515	1.2
1884.....	675,200	38	1897.....	2,517,265	22.45
1885.....	992,800	47	1898.....	2,631,771	4.54
1886.....	1,100,065	10	1899.....	2,638,390	.0025
1887.....	1,211,415	10	1900.....	2,936,080	11.3
1888.....	1,179,916	12.6	1901.....	3,080,367	.049+
1889.....	1,348,015	14	1902.....	3,244,250	.053+

<sup>1</sup> Decrease.

## INDIAN EDUCATIONAL RESULTS.

The ultimate result of all Indian educational processes should be the preparation of the younger elements of the tribes for the duties and responsibilities of American citizenship. They should leave the schools fitted to cope with men and nature in the struggle for existence. By education they should be made superior to their fellows in the tribes who have not taken advantage of the opportunities presented by the Government. Therefore, unless these processes produce these results, there should be a radical change of methods, so that the end desired may be more quickly and effectually attained.

An analysis of the data obtained by this office indicates that the methods of education which have been pursued for the past generation have not produced the results anticipated. It must not be contended, however, that all the efforts have only produced failures.

On April 15, 1901, a circular was addressed to all "Indian agents and bonded superintendents of reservations," stating:

In order that this office may form a just estimate of the relative merits of the different methods of educating Indian children and the value of those methods in their relation to after effects upon the character and life of those who have attended the reservation and nonreservation schools, you are directed, immediately upon receipt of this circular, to make a careful canvass of all returned pupils from nonreservation schools now living upon the reservations under your charge, and upon the within blank give their names and the information as indicated on same. You will be careful to give briefly your estimate of their character and conduct with reference to the results of their educational course at the school attended, using the following terms in their arbitrary sense, as follows: "Poor," that the returned pupil has not been, so far as his life and actions are concerned, in any manner benefited by the education which the Government has given him; "fair," that while the results of his

education have not been good, they have yet raised him somewhat above the level of Indians in the same environment; "good," that the returned student has made such average use of the advantages and facilities given him at the schools attended that he may be said to compare favorably with white boys and girls under similar circumstances; that his course of life and actions since his return to the reservation indicate that his career is that of the average white man; "excellent," that the results of the educational methods in his particular case have demonstrated that he has taken full advantage of them and he stands out above the average of returned students, and would be classed, if in a white neighborhood, as a man elevated somewhat above those with whom he is brought in contact.

From the data thus obtained statistics relating to returned Indian pupils were collated, from which it appears that the Government officials, who are thrown in immediate contact with this class of Indians, rate 10 per cent as "excellent," the results of the educational methods demonstrating that they have taken full advantage of them, standing out above the average returned pupils, and would be classed, if in a white neighborhood, as men and women elevated somewhat above those with whom they are brought in contact; 76 per cent compare favorably with white boys and girls under similar circumstances, and indicate by their actions, since their return to the reservations, a career similar to that of the average white man; 13 per cent have raised themselves somewhat above the level of the Indians in the same environment, but the results of whose education can not be said to be good; 1 per cent have not been, so far as their lives and actions are concerned, in any way benefited by the education which has been given them.

The first attempt to collate statistics on this subject was made in 1897, and the results were printed in the annual report of this Department for the fiscal year 1898. For the purpose of comparison those figures are again repeated, as follows: "Excellent," 3 per cent; "good," 73 per cent; "poor" and "bad," 24 per cent.

An inspection of these figures will disclose that in about three years the average standard has been materially raised. While these results are extremely gratifying to those interested in the welfare of the Indian, they should not mislead, nor should they indicate the immediate settlement of the questions involved in the final destiny of the tribes. We sometimes forget that the efforts of superior races to elevate inferior ones at a single stroke generally meet with failure, as new conditions are introduced for which the latter have no standard. In order to lift them up to or near the standard of civilization, it must be left to education, extended through several generations, to make them value and appreciate those conditions; then, and only then, can education be permanent in its results. Each generation thus has ample opportunity to adopt some of the conditions imposed, and by heredity transmit a portion to the succeeding one, in time fixing the characteristics of civilization by constant impact, to the exclusion or material modification of hereditary barbarism.

The plan of the Indian Department relative to the civilization of these people is predicated upon the theory outlined. This plan was practically begun about twenty-one years ago, when there were not 5,000 children in all the Indian schools. Taking this into consideration, the results of one generation are conclusive that the time is not far distant when the Indian will have so advanced that his education may safely be turned over to the States, with whose population the adults will be rapidly assimilating.

The data above presented is a complete refutation of the statement that the educated Indian returns to his reservation to take up the blanket and his old customs. That such was the case eight or ten years ago may have been partially true. Then the reservations were wilder, conditions more primitive, and the number of pupils returned quite small. Now conditions have changed, and where then there was one returned student in the tribe, now there are hundreds. Then the boy or girl who had been educated in the white man's ways was compelled alone to battle for his or her new rights, and it is no small wonder that there were many modern martyrs on Indian reservations, where everything combined to wean him or her away from the acquired habits. But the seeds thus implanted have grown an hundredfold, and to-day the returned student is the most prominent factor in the development and upbuilding of his tribe.

The sum of the whole matter is that the average Indian girl or boy is doing as well in his own environment as the same type of the American.

The danger attending the education of the Indian lies in the Government holding out places of profit in official life to those who graduate from the schools. The policy of years has been parental in dealing with the tribes, to pay them annuities and issue rations, until unfortunately there has grown up in the minds of some, not unnaturally, the idea that after their school career is closed the Government will continue to furnish support and maintenance as employees of schools or agencies. The general public is not thus called upon to support either Indians or whites under such circumstances. The schools, therefore, seek persistently to teach them to earn wages for themselves independently, to seek outside opportunities for work, and not wait for gifts of life to be handed to them unsought or not labored for. Hundreds have left the reservations and are mingling with the white people in the eager struggle for existence. It is difficult to obtain more than meager data concerning the results of education upon these brave students, who are putting in active practice the inevitable laws of existence. Abolish rations and annuities, throw the educated Indian on his own resources, and the settlement of the Indian question is the natural sequence.

## MARRIAGE.

For many years agents, missionaries, the Board of Indian Commissioners, and others engaged or interested in the uplifting of the red man have begged that something be done to regulate marriages among Indians.

Tribal authority was long ago weakened or destroyed. There has been substituted for it the shifting authority of a procession of all sorts and conditions of agents, from the hungriest spoilsman to the man of judgment, energy, and philanthropic spirit, who uses his best endeavors to help upward those confided to his care; but in either case the "ward" and the guardian hardly become acquainted with each other before the latter is supplanted and a new man put in his place. Indian tribes had their own codes of domestic virtue, some of them fairly strict, even when judged by twentieth-century standards, and the Indian community lived up to its ideals quite as faithfully as do our white communities to-day. But subvert tribal standards and restraints, familiarize the Indian with the characteristics of white morality on the frontier, subject him to erratic authority, with a large admixture of indifference as to his personal ethics, and a most deplorable result might naturally be expected. On the whole, morality among Indians to-day is probably at a lower level than it was before the arrival of the white man, and this in spite of wise, faithful, and comparatively extensive missionary work among the various tribes. Even the Indian allottee, who before the law is technically a United States citizen, is practically outside of its operation as to his relations within his family or his tribe; for, on account of the expense, courts and county and State officials are loath to recognize misdoing among people who do not pay taxes, unless white people are the immediate sufferers from the misdeeds. Hence polygamy exists to a considerable extent; the marriage relation is broken off and reassumed at will, wives are "thrown away," children abandoned, and general moral laxity prevails.

Aside from existing evils, such demoralization and degeneration lay up a store of incidental evils for the future in the way of uncertainties, disputes, and suits in court over the inheritance of the estates of deceased allottees, especially as no general system of recording marriages among Indians has ever been undertaken.

In 1883, when the "courts of Indian offenses" were established on Indian reservations, the rules for their guidance contained the following:

Any plural marriage hereafter contracted or entered into by any member of an Indian tribe under the supervision of a United States Indian agent shall be considered an "Indian offense," cognizable by the court of Indian offenses; and upon trial and conviction thereof by said court the offender shall pay a fine of not less than \$20, or work at hard labor for a period of twenty days, or both, at the discretion of

the court, the proceeds thereof to be devoted to the benefit of the tribe to which the offender may at the time belong; and so long as the Indian shall continue in this unlawful relation he shall forfeit all right to receive rations from the Government.

This is practically all that has been attempted to regulate the marriage relation and build up family life among Indians, except what agents have occasionally done by their personal influence and official power. On a few reservations, where the right kind of agent has been retained for a considerable length of time, civilized customs in regard to marriage have been quite generally adopted, showing that Indians are as amenable to influences in this as in other directions. The Government has been, as a whole, faithful, even assiduous, in caring for the well-being of Indians in other respects. It has looked after their moneys and lands, helped them to live and dress and work in civilized ways, and has given to their children schools whose equipment and methods conform to the best modern standards. But it has done practically nothing to safeguard the family life. It has said no word as to regulating, licensing, or recording Indian marriages.

In the first session of the Fifty-sixth Congress this matter was taken up in Senate bill 4713, which was introduced May 15, 1900, but failed to receive action. With the progress of allotment work the evils have become more and more apparent and their effects more far-reaching. Finally it was decided that the responsibility for further neglect should not remain with this office, and therefore, with Department approval, the following instructions were issued on the 5th of last April. They cover substantially the same ground as the Senate bill, and they are simple and elastic, in order to fit as nearly as possible the varying conditions of Indian life.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., April 5, 1901.

*To United States Indian Agents and School Superintendents in Charge of Agencies:*

As is well known, an Indian who receives an allotment becomes thereby a citizen of the United States and his real estate descends to his heirs according to the laws of the State or Territory in which he resides. This, as well as other considerations, make it imperative that a reliable and permanent record of Indian family relations should be kept at every agency, and especially at agencies where the lands of the Indians have been or are soon to be allotted.

The following instructions are, therefore, promulgated:

1. On and after June 1, 1901, it shall be the duty of each Indian agent to keep a permanent register of every marriage which takes place among the Indians under his charge, said register to record the name of the husband and of the wife, both the Indian and the English name, if both names exist, and in the case of an allotted Indian the name by which said Indian is designated on the allotment roll; also the age, tribe, blood, nationality, or citizenship of both parties, the date of the marriage and the name of the person who solemnizes it; or, if the marriage is by declaration before witnesses, the names of the witnesses. The record shall also include the names of the parents of both husband and wife.

2. Before marriage an Indian must obtain a license to marry, either of an agent or of the proper authorities, in compliance with the laws of the State or Territory in which such Indian resides.

3. United States Indian agents are hereby authorized to issue to Indians licenses to marry, which shall be issued without charge, and so far as practicable shall conform to the laws of the State or Territory in which the license is issued, and the license shall permit the parties to be married by a clergyman, or by a civil officer, or by declaring before witnesses their intent to live permanently together as sole husband and sole wife: *Provided*, That no Indian shall be permitted to marry a person of any other race except in the manner prescribed by the laws of the State or Territory in which such Indian resides. Each marriage license thus issued shall be entered in a permanent record kept at the agency where it is issued. And when an Indian, allotted or unallotted, receives a license to marry from a civil magistrate it shall be the duty of such Indian immediately to report such license to the agent for permanent record.

4. It shall be the duty of the one who solemnizes the marriage to send to the agency from which the license was issued a certificate giving the names of the persons married, the date of the ceremony, and the name and position of the one who performed the ceremony; or, if the marriage is by declaration, the certificate shall be signed by two witnesses, one of whom shall immediately return it to the agent.

5. No license to marry shall be given to an Indian who has a wife or a husband living from whom such Indian has not been divorced, and the taking by a married man of more than one wife or by a married woman of more than one husband shall not be allowed.

6. If an Indian shall be married on a reservation where such Indian has no tribal rights the agent for that reservation shall transmit to the agent for the reservation in which the Indian has tribal rights a copy of the license and certificate of the marriage of such Indian, and the agent receiving such copies, if he finds that the Indian designated therein has tribal rights at the agency under his charge, shall record the marriage in the register of marriages kept by him; otherwise he will return the copy to the sender with a statement of the facts.

7. It shall be the duty of each Indian agent to make a permanent record by families of all Indians under his charge. The record shall give the name of the husband and of the wife, both Indian and English, and the name of each on the allotment roll, with the date (approximately) of the marriage, and whether the ceremony was performed by a clergyman, civil magistrate, or by Indian custom; also the names of their unmarried children, whether the fruit of existing or former marriage. It shall also give, as to both parents and children, the age, tribe, blood, nationality, or citizenship, names of the father and mother (so far as they can be ascertained), and the relationship in the family as husband, wife, son, daughter, stepson, stepdaughter, or other relation. A widow or widower with one or more unmarried children shall be recorded as a distinct family, and widows and widowers without unmarried children, all unmarried adults, and all minor orphans shall be recorded with the families with which they live, or by themselves if they live alone. If an Indian is living as husband with more than one woman, the record shall give the name of each and the order of time in which he professes to have married them. If an Indian has been transferred from, or has tribal rights in, another reservation, that fact shall be recorded.

8. Rations may be withheld from Indians who refuse to obtain proper marriage licenses or to give truthfully the information needed for the proposed records.

9. The purport of this circular should be explained to the Indians, and copies should be distributed among the clergymen and others in the vicinity of the reservation who are authorized by law to solemnize marriages.

10. A bonded superintendent of a school while in charge of an agency, and others

who are duly authorized by the office, shall have the same authority and shall perform the same duties in regard to marriage records and licenses and the registration of Indians as are herein provided for duly appointed Indian agents.

It is the intention of this office to endeavor to obtain legislation which shall extend over Indian reservations the marriage laws of the State or Territory within which the reservation is located; but whether such legislation shall be immediately secured or not, the records, etc., above provided for should be opened at once and kept up to date with the greatest care, since they will be most valuable if only for the purpose of determining the heirs to allotted lands. Agents should familiarize themselves with the marriage laws of the State or Territory and should endeavor to make the Indian familiar with these laws by conforming to them as nearly as practicable in carrying out these instructions.

As soon as they can be prepared, the following books and blanks will be sent to agencies:

1. Registers of licenses and marriages after June 1, 1901.
2. A register of all families.
3. Blanks for marriage licenses issued by the agent.
4. Blanks for certificates of marriage returnable to agent.
5. Blanks for certificates of marriage to be given to persons married.
6. Blanks for certificates of marriage to frame and hang in the home.

Any suggestions which you may wish to offer as to putting into operation the above-described system of registration of Indians and of issuing licenses and recording marriages will be welcomed by the office, if submitted immediately, and will be carefully considered.

Respectfully,

W. A. JONES,  
*Commissioner.*

Approved:

E. A. HITCHCOCK,  
*Secretary.*

It will be noticed that the main points are the recording of marriages, registration of families, requiring that a license from some source shall precede a marriage, and providing that the marriage forms and requirements of the State or Territory in which the Indians live shall be adhered to as closely as possible, and the Indians made familiar with them. Indian agents are authorized to issue marriage licenses, for the reason that without such authority most agents would be practically unable to put these regulations in force. It is folly to insist or expect that poor, partly civilized people, with a limited knowledge of English, will make journeys of several miles to find town or county officials and then pay for marriage licenses. But this does not in any way hinder Indians, especially allottees, from procuring licenses elsewhere according to State or Territorial law, and it will be noted that for a marriage between an Indian and some one of another race a license must be procured "in the manner prescribed by the State or Territory in which the Indian resides."

Of course these regulations will not enforce themselves, and, as with almost everything else in the Indian service, their successful operation will depend upon the Indian agents. But they give a strong leverage



to any agent who desires to elevate those under his charge; and if they are enforced with judgment, patience, and persistence they will do much to purify the moral atmosphere of a reservation. They will also accustom the Indians to usages to which they must conform when reservation lines shall be obliterated. Moreover, pending any general legislation extending State or Territorial marriage laws over Indian reservations, the records which are to be made can not fail to become of inestimable value for future reference.

The books and blanks referred to in the circular, except the more elaborate certificate of marriage, have all been forwarded to agencies, and the replies from many quarters indicate a hearty accord on the part of agents with the purpose of the office and their intention to cooperate zealously in this effort to restrain vice and promote virtue in Indian communities.

Sample pages of the register and license books are printed on page —. To complete the system, books for recording births and deaths are needed and will shortly be furnished.

So far as relates to Indian allottees Oklahoma has wisely anticipated general legislation by a law approved March 12, 1897, "Regulating marriages and divorces among allotted Indians." This law, copy of which will be found on page —, legalizes marriages existing at that date and divorces which had occurred previously according to Indian custom and legitimizes all the children. It provides that thereafter, as to licenses, marriage ceremonies, marriage returns, and divorces, allottees shall conform to Territorial law. An Indian with more than one wife must designate one of them as his lawful wife, and if after July 1, 1897, he cohabit with any other woman he shall be deemed guilty of bigamy. All probate judges are required to record, July 1, 1897, the names of Indian men who are married and the names of both their designated and rejected wives, the record to be legal and to be competent evidence in court.

Why should not other Territories and States follow Oklahoma's example? Commonwealths founded on homes can not afford to be indifferent to conditions which undermine the family life of any class in their midst.

### NEEDED PUBLICATIONS ON INDIAN MATTERS.

For two years the office has urged that Congress make provision for bringing down to date and publishing new editions of three works which are sorely needed, viz, compilations of Laws Relating to Indian Affairs, of Executive Orders concerning Indian Reservations, and of Treaties and Agreements made with Indians. In making this recommendation for the third time, I quote from the last annual report:

The latest edition of Laws Relating to Indian Affairs stops with March 4, 1884; Executive Orders Relating to Indian Reservations is brought down no further than

April 1, 1890, and the editions of both works are exhausted. Since these dates legislation of vital importance has been enacted, and many changes have been made in Indian reservations. Constant calls are made on the office for the old volumes and for information as to subsequent legislation and executive action. The public need can be met only by new editions of these books, which should, of course, be brought down to date.

In 1837 a compilation of Indian treaties from 1778 to date was made, under the direction of the Commissioner of Indian Affairs. An inaccurate Revision of Indian Treaties, then in force, was made in 1873. The demand for a publication that shall contain all ratified treaties and agreements made by the United States with Indian tribes is increasing. It would be in constant use in this office and would be frequently referred to by other Government bureaus and by members of Congress, as well as by the public at large.

## CLERKS DESIGNATED AS SPECIAL DISBURSING AGENTS.

Another recommendation made last year should be renewed with emphasis, viz, that Congress authorize the Secretary of the Interior to pay out of the contingent fund of the Department the annual cost of bonds required of clerks when no salary or compensation is allowed for the services to be performed under those bonds.

Bonded officers of the Government are now expected to execute their bonds with responsible bond and trust companies, instead of private individuals. One clerk in this office, who is designated to affix the seal and receive payment for certified copies of official papers, is required by law to give a bond for \$1,000. Another, designated by the Department to act as special disbursing officer, must give a \$2,000 bond. As there is no pay or emolument for the services thus imposed upon such employees, they should not be compelled to pay the cost of executing their bonds.

## INDIAN OFFICE EXHIBIT AT PAN-AMERICAN EXPOSITION.

The exhibit of the Indian Office at Buffalo covers about the same ground as did its predecessors at Atlanta, Nashville, Omaha, and Paris. It shows what the Government is doing in the way of Indian education and how Indian pupils respond to the opportunities offered them. The work sent in from all kinds and grades of schools shows decided improvement over that furnished for previous expositions, and thus marks the gain which Indian schools have made in methods, teaching force, scholarship, and skill in handicraft.

The exhibit was installed by Miss Alice C. Fletcher in three sections, her aim being, as she reports, to present the subject in a threefold aspect:

First. To show the native ability of the Indian. This was represented by fine examples of weaving, pottery, and basketry, and by native foods and implements.

Second. To show the methods used to train the Indian in our lines of work and thought. In this section were gathered the class-room papers of pupils, giving their actual work in the grades from kindergarten to high school, supplemented by business courses in typewriting, stenography, and bookkeeping. Free hand and mechanical drawings were added, with some very creditable work in water color and oils. There were also articles manufactured in the schools, representing all the industries taught—tailoring, shoe and harness making, blacksmithing, wagon making, tinning, carpentry and painting, plain sewing, mending, dressmaking, embroidery, and lace work; also specimens of printing. There were photographs of school buildings and of pupils engaged in their various avocations; also statistical charts showing the growth of Indian education, enrollment of pupils, cost of maintaining the schools, etc.

Third. To show the use made of this training by the Indians. The following description of the third section is quoted from Miss Fletcher's report:

The third is represented in a space back of the school exhibits and separated from it by a grill-work screen. All the articles in this room were made by advanced Indian students or by educated Indians who are earning their living among our own race.

The grill-work screen is the work of Indian pupils at Hampton Institute, Virginia; the bookcase, hall seat, large table, and woodwork of the mantel, by the pupils of Haskell Institute, Lawrence, Kans.; the inlaid table, the onyx work, decorated, vase and the inlaid and carved pillar just outside this inclosure, by the pupils at Phoenix school, Arizona; the settle, by Peter Williams, a former student at Chemawa school, Oregon, now working with a furniture house in Portland, Oreg.; the dado of mats of native weaving, the frieze of Moqui ceremonial plaques, and the pottery are the old native arts.

The central object in this room is the mantel, designed by Miss Angel Decora, of the Winnebago tribe, a graduate of Hampton Institute, later a student in the art school of Smith College, Northampton, Mass. She has also been a pupil of Howard Pyle, and is now pursuing her art studies in Boston. In this design Miss Decora has combined the native symbolism of fire with our own tradition of the fireside. Upon the space below the shelf, in low relief of red wood, is a conventionalized "thunder bird," the plumes of its wings flashing out into flames. On the side uprights, and in a band around the upper part of the mantel, making a frame for the central painting, are conventionalized forms of the sticks used in making the "sacred fire" by friction. The scene of the picture painted by Miss Decora is on the rolling prairie, at sunset, suggesting the hour of gathering about the hearth; off to the left is a cluster of Indian tents, each one aglow from the bright fire within; while in front, a little to the right, against a background of golden clouds, stand a pair of lovers, the beginning of a new fireside. The poetic conception of this design has been carried out by Angel Decora with a charm, simplicity, and skill which make this mantel a work of art.

The settle was also designed by Miss Decora. She has there used the same conventional border as upon the fireplace.

In the bookcase, which contains various records of school work, is a little volume called *The Middle Five*, a clever and charmingly written story of Indian school life from the pen of Mr. Francis La Flesche, an Omaha Indian, who was one of the

five boys who were known to their mates as "The Middle Five." The frontispiece to this book is by Angel Decora, and the original painting hangs on the wall of this room.

Standing in this third division of the general exhibit and looking over the school work to the front lines, where is given a glimpse of native art in forms as strange to us as the Indian tongues, one realizes the value of the education given in the schools. By means of this education the Indian is not only enabled to earn his livelihood, but we are enabled to become acquainted with him, for he now has the power to express his native ability and artistic feeling in a way understood and appreciated by us through the various articles of skillful handicraft here displayed, as well as through art and literature.

The schools represented in this exhibit are Blackfeet, Mont.; Carlisle, Pa.; Chemawa, Oreg.; Cheyenne River, S. Dak.; Chilocco, Okla.; Eastern Cherokee, N. C.; Fort Lewis, Colo.; Fort Mohave, Ariz.; Fort Shaw, Mont.; Genoa, Nebr.; Hampton, Va.; Haskell Institute, Lawrence, Kans.; Keams Canyon, Ariz.; Mescalero, N. Mex.; Navaho, Ariz.; Nevada, Nev.; Nez Percé, Idaho; Oneida, Wis.; Perris, Cal.; Phoenix, Ariz.; Pine Ridge, S. Dak.; Rosebud, S. Dak. (boarding and day schools); San Carlos, Ariz.; Seger Colony, Okla.

It was the intention to present in some suggestive way the progress which has taken place among Indians outside of school work, especially in farming. But the office was prevented from doing so by a disappointing lack of response to its attempt to obtain necessary materials. It is indicated to a small extent by photographs, especially those showing the homes and occupations of returned students.

### COMMISSIONS.

**Crow, Flathead, etc., Commission.**—The Crow, Flathead, etc., Commission had remaining, when my last annual report was submitted, only the Yakima and Flathead Indians with whom it was authorized to negotiate agreements. Their unsuccessful negotiations with the Yakima Indians are referred to on page 167.

In accordance with departmental directions, the commission was sent to the Flathead Reservation, Mont., October 2, 1900. Here negotiations were continued until April 3, 1901, during which time the Indians were met in council several times. Chairman McNeely then finally reported the inability of the commission to secure an agreement with the Flatheads for the cession of a portion of their reserve, attributing the failure to the opposition of cattlemen adjacent to the reserve and of a few well-to-do mixed bloods and squaw men having large ranches and farms on the reserve.

In Department letter of April 20, 1901, the opinion was expressed that it would be useless for this commission to attempt further negotiations with the Yakimas, and that it would be better to conduct such negotiations, if at all, through an Indian inspector; also, that the sev-

eral commissioners could be better employed during the remainder of the fiscal year in doing such special work in the field as might be assigned to them under the act of June 6, 1900 (31 Stats., 302), which provided that they "shall perform such duties as may be required of them by the Secretary of the Interior." In compliance with instructions from this office, Mr. McNeely and Mr. Hoyt were engaged for some time in making appraisements for railroad rights of way on the Puyallup and Colville reservations, Wash.

The following provisions for the continuation of this commission during the fiscal year 1902 is contained in the deficiency appropriation act approved March 3, 1901 (31 Stats., p. 1041):

For continuing during the fiscal year nineteen hundred and two the work of the commission under the Act of Congress approved June tenth, eighteen hundred and ninety-six, to negotiate with the Crow, Flathead, and other Indians, twelve thousand dollars, and the members of said commission shall perform such other duties pertaining to Indian affairs, in the field, as may be required of them by the Secretary of the Interior.

In a report to the Department dated January 5, 1901, and also verbally before a Congressional committee, this office opposed the proposition to continue the commission after June 30, 1901, and in its letter of January 8 the Department concurred in that opinion. This commission has been in the field almost continuously since August 30, 1896, a period of five years. Six separate appropriations have been made by Congress to defray its salary and expenses, the total amount appropriated aggregating \$76,500. During its incumbency but three agreements have been concluded, one of which (the Uinta) provided merely for the consent of the Indians to the allotment of certain other Indians on their reservation upon payment of \$1.25 per acre for the lands so allotted. Of the three agreements made only one has been ratified by Congress—that with the Fort Hall Indians in Idaho. Those with the Uintas and Crows are still pending in Congress.

**Puyallup Commission.**—The Indian appropriation act approved March 3, 1901 (31 Stats., p. 1058), contains the following clause relative to the Puyallup Commission:

For compensation of the commissioner authorized by the Indian appropriation act approved June seventh, eighteen hundred and ninety-seven, to superintend the sale of land, and so forth, of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars.

It will be observed that this provides for continuing the sale of Puyallup lands for the present fiscal year. This work was continued during the last fiscal year under a similar provision contained in the Indian appropriation act approved May 31, 1900.

Clinton A. Snowden was appointed commissioner June 22, 1897. He is still in charge of the work. The demand for the Puyallup lands seems to have increased. At least more sales have been made

within the last year than any previous one since the sale of these lands began. Commissioner Snowden is of the opinion that the appraised value of some of the lots within the Indian addition to the city of Tacoma is too low. He recommended that they be reexamined with a view to their reappraisal and that meantime sales of the lots be suspended. Accordingly this office telegraphed him the 19th of last July to suspend sales of these lots until further orders, with a view to their reappraisal. August 2d last the Department approved the action of this office as reported July 22, and made suggestions respecting the proposed reappraisal, as to which Commissioner Snowden was given full instructions August 13.

### SALE OF LIQUOR TO INDIANS.

That illicit traffic in liquor with the Indians should be utterly stamped out—not merely suppressed—is the desire of every true friend of the Indian. It is feared, however, that this will not be accomplished until the Indian shall have conquered his appetite for stimulants or until his white brother acquires a respect for the law.

While liquor prosecutions have been as numerous during the past year as during prior years, many offenders have, as hitherto, escaped the penalties of the law through the inability or failure of the Government to obtain competent testimony. It is well known that Indians are loath to testify against parties who supply them with intoxicants. This is especially true of allotted Indians, who feel that, as citizens of the United States and of the State or Territory in which they reside, they have a perfect right to drink whisky as the white people do, and they are consequently averse to betraying the liquor dealers.

It has seemed to the office that many difficulties could be overcome and that much good would result if it were provided with a special fund of, say, \$5,000 or \$10,000 with which to pay for the work of obtaining evidence on which to base complaints against liquor traffickers. Such a fund would strengthen the hands of the office and its agents and would enable it to obtain evidence in cases where now it is practically impossible to do so.

Complaints frequently reach this office from officials and others of western towns and villages that drunken Indians visit their localities and cause disturbances and affrays. When requested to give evidence against the saloon keepers for selling liquor to the Indians the complainants either fail to notice such request or state that it is not their business to aid in the prosecutions. In other words, the white citizens of some localities are willing that the Indians should be punished for being "drunk and disorderly," but are not willing to aid in shutting off the source of the Indians' liquor supply by giving testimony against the dealers.

## EXHIBITION OF INDIANS.

Carrying out its policy not to allow Indians under its jurisdiction to be taken for show and exhibition purposes, this office has during the past year declined to recommend that permission be granted for any persons or companies to secure Indians for such purposes.

In but one instance have Indians been allowed to leave their reservation to take part in local celebrations. The Department, July 18, 1901, directed that 30 Utes from the Southern Ute Agency, Colo., be allowed to attend the quarto-centennial jubilee held at Colorado Springs, Colo., the first week in August, upon the assurance given by the authorities having the celebration in charge that the Indians would be properly protected and would be allowed to take part only in the "historic parade." With the understanding, therefore, that these Utes would not otherwise be exhibited and would be allowed to stay in Colorado Springs but two days and that the Government would be at no expense, they were allowed to attend.

July 1, 1901, Chief White Eyes, an Indian belonging to the Cheyenne and Arapaho Agency, Okla., telegraphed from Cleveland, Ohio, that 16 Indians were stranded at Cleveland from "Buckskin Bill's" show, and being without money were unable to get to their homes in Oklahoma. The office replied by telegram as follows:

You will have to look to your employer for means to get home. You took the risk and you have no one to blame but yourself. Office has no funds to aid you.

Since then nothing has been heard from these Indians, who ran away from their reservation to join the show.

## ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual report is as follows:

## ALLOTMENTS ON RESERVATIONS.

During the year patents have been issued and delivered to the following Indians:

Cheyenne and Arapaho, in Oklahoma .....	4
Chippewa of Lake Superior, on the Bad River Reservation, Wis ...	5
Chippewa of the Mississippi, on the Chippewa Reservation, Minn..	361
Chippewa of the Mississippi, on Leech Lake, Cass Lake, and other reservations in Minnesota .....	479
Colville Reservation in Washington (restored portion).....	423
Grande Ronde Reservation in Oregon.....	1
Mandan and other Indians on Fort Berthold Reservation, in South Dakota .....	948
Oto, in Oklahoma .....	440
Ottawa, in Indian Territory.....	1
Yakima, in Washington .....	603

Allotments have been approved by this office and the Department as follows:

	Number.	Acres.
Chippewa of Lake Superior, on the Bad River Reservation, Wis.....	5	391. 15
Chippewa of Lake Superior, on the L'Anse and Vieux Désert Reservation, Mich.....	15	1, 160. 56
Chippewa of the Mississippi, on the White Earth Reservation, Minn.....	4, 372	362, 593. 15
Kiowa, Comanche, and Apache, Oklahoma.....	2, 759	442, 886. 96
Omaha, Nebraska.....	19	1, 008. 05
Sioux of the Lower Brulé Reservation, S. Dak.....	555	151, 856. 05
Wichita and affiliated bands, Oklahoma.....	965	148, 325. 63
Winnebago, Nebraska (additional allotments to Winnebago; heretofore allotted, 91).....	167	17, 769. 26
	8, 857	1, 125, 990. 80
Total number of allotments, including the above, made to Indians from the beginning, not including grants to and reservations for individual Indians and mixed bloods mentioned by name in various treaties.....	64, 853	7, 862, 495. 11

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

Chippewa of Lake Superior, on the Bad River Reservation, Wis.....	352
Sioux of the Cheyenne River Reservation, S. Dak.....	272
Sioux of the Rosebud Reservation, S. Dak.....	416

The only allotting agents now in the field engaged upon reservation work are William A. Winder (Rosebud), John H. Knight (Cheyenne River), and John K. Rankin (Crow). I have desired to assign Special Allotting Agent Helen P. Clarke to duty in the field, but thus far no opportunity has been found.

The condition of the work in the field is as follows:

**Cheyenne River Reservation, S. Dak.**—Special Allotting Agent John H. Knight reported August 24, 1901, that he had then made 515 allotments, being 362 for the year ending approximately on that date. Some 2,034 allotments are yet to be made on this reservation.

**Rosebud Reservation, S. Dak.**—Special Allotting Agent William A. Winder reports that he expects to complete the work on this reservation during the present season.

**Crow Reservation, Mont.**—The work of making allotments to the Crow Indians was commenced in 1885 by Special Agent George S. Milburn under the agreement of June 12, 1880, ratified by the act of April 11, 1882 (22 Stats., 42), who made, in October and November of that year, some 156 allotments. Late in August, 1886, Col. J. R. Howard and J. G. Walker were appointed special agents to continue the work. During September and October of that year they made some 125 allotments.

After the passage of the general allotment act of February 8, 1887 (24 Stats., 388), it was determined to make the allotments under that act, and on May 12, 1887, the President granted the requisite authority. July 23, James R. Howard, who had been appointed a special allotting agent under that act, was instructed to continue and complete the work.



During the season of 1887 he made some 469 and during the summer and fall of 1888 some 583 allotments, which included those made under the agreement.

April 5, 1890, Special Allotting Agent James G. Hatchitt was assigned the duty of allotting the Crow Indians as soon as the further surveys contracted for should be sufficiently advanced, and on June 3d of that year the Department approved instructions for his guidance.

December 8, 1890, an agreement was concluded with the Crow Indians by which they ceded a considerable portion of their reservation, which agreement was ratified by Congress March 3, 1891 (26 Stats., 989). The act ratifying the agreement provided that any person who might be entitled to the privilege of selecting land in severalty under the provisions of the sixth article of the treaty of May 7, 1868 (15 Stats., 6 and 9), or under any other act or treaty, should have the right for a period of sixty days to make such selections in any part of the territory ceded by the agreement. April 14, 1891, Special Allotting Agent Hatchitt was directed to assist such of the Crow Indians as desired to make selections under the foregoing provision. Some 602 allotments were made by him on the Crow Reservation, a considerable number being on the ceded lands.

August 27, 1892, a supplemental agreement was concluded with the Crow Indians, by which it was agreed that the persons named in Schedule A attached thereto included all the members of the tribe who were entitled to retain allotments made to them on the ceded lands before the date of the agreement, and that Schedule B included all the members of the tribe who were entitled to the benefits of the thirteenth section of the agreement of December 8, 1890 (see Annual Report for 1891, p. 669), and the provision in the act of ratification above referred to. Schedule A contained 219 allotments and Schedule B 117; total, 336. A large number of the allottees on each schedule subsequently relinquished their allotments, retaining their rights on the diminished reservation.

The agreements of December 8, 1890, and August 27, 1892, contained provisions for extensive systems of irrigation, the construction of which was commenced in 1891. During the progress of this work, the approval of the allotments already made and the continuance of allotment work was not deemed advisable. Irrigation work having become sufficiently advanced, March 25, 1901, the President canceled the order of May 12, 1887, and authorized the making of allotments to the Crow Indians as provided by the act of April 11, 1882 (*supra*), and the surveys and resurveys necessary to complete them. June 8, 1901, he modified the order of March 25, so as to authorize the allotments to be made under the acts of February 8, 1887 (24 Stats., 388), and February 28, 1891 (26 Stats., 794), in quantities as specified in the act of April 11, 1882.

March 26, 1901, Special Allotting Agent John K. Rankin was designated to make the allotments to the Crow Indians as above authorized. June 26, instructions were given him (approved by the Department June 27), and shortly thereafter he entered upon duty.

**Kiowa, Comanche, and Apache Reservation, Okla.**—Since it had been found impossible to complete the allotments on this reservation by December 6, 1900, Congress, by the act of January 4, 1901 (31 Stats., 727), extended the time for opening the reservation not exceeding eight months from December 6, 1900, and made an appropriation to cover the cost of the allotment work. It was conducted by Inspector Nesler with much energy and ability. The final schedule was certified by him June 1 and approved by the Department June 18, 1901.

**Wichita Reservation, Okla.**—As stated in the Annual Report for 1897 (p. 22), the work of allotting the Wichita and affiliated bands of Indians was suspended by resolution of the Senate adopted June 1, 1897, until the compensation to be allowed and paid those Indians for the lands in excess of allotments should be finally determined.

January 31, 1901, the Court of Claims, by direction of the Supreme Court of the United States, entered a decree dismissing the petition of the Choctaw and Chickasaw nations, and adjudged and decreed that the members of the Wichita and affiliated bands were entitled to 160 acres each out of the lands ceded by the agreement of June 4, 1891, and that the same should be set apart to them by the United States, to be owned in severalty, in accordance with article 2 of the agreement. It also entered judgment as to payment for the surplus lands, etc.

February 15, 1901, the Department directed that the work of allotting these Indians be resumed. Messrs. A. J. Perry, of Nortonville, Kans., William R. Kirkpatrick, of El Reno, and A. R. Museller, of Perry, Okla., were appointed special allotting agents and they were instructed as to their duties March 11, the instructions being approved by the Department March 14. March 28 Special Allotting Agent John K. Rankin was instructed to take temporary charge of the work. May 24 Inspector Nesler was instructed to relieve Special Agent Rankin (who was to resume work on the Crow Reservation), and May 27 he was instructed to take charge June 1. June 24, 1901, Inspector Nesler forwarded his final schedule, which was approved by the Department July 2, 1901.

A schedule of twenty-seven allotments made to adopted members was approved July 4, 1891, on which date the order opening the surplus lands of this and the Kiowa, etc., reservation to settlement was issued by the President.

**Contested allotment, Umatilla Reservation, Oreg.**—An Indian named He yu tsi mil kin, an occupant of the Umatilla Reservation, Oreg., was allotted under the act of March 3, 1885 (23 Stats., p. 340), the southeast quarter of sec 20, T. 3 N. R. 34 E., containing 160 acres.

This allotment was approved by the Department February 12, 1893. Patent was issued for the lands September 16, 1899, and it was transmitted to the Umatilla agent March 20, 1900, for delivery to He yu tsi mil kin.

Philomene Smith asserted a claim to this land, which was denied. She then instituted suit (No. 2595 in the United States circuit court for the State of Oregon), praying that the land be awarded her, and that the patent issued to the defendant be canceled. The court, Judge Bellinger, decided in her favor, and the decision was transmitted to the Department by the acting attorney-general and referred to this office on July 27, 1901, for report. The office recommended that the taking of further action be left to the discretion of the United States district attorney, who appeared for the defendant and was familiar with all the facts, testimony, and law bearing on the case, and could best determine whether an appeal should be made or whether the opinion of the court should be accepted and conformed to by the defendant and the Government.

July 31, 1901, the agent of the Umatilla Agency forwarded to this office a communication from the leading Indians of that reservation protesting against the decision of the court. The agent stated that he believed the decision of Judge Bellinger in this case would be reversed if it were brought before the court of appeals, and recommended earnestly that such action be taken if possible, especially as the attorney for Mrs. Smith, the plaintiff, had written that he had other suits of a like nature against Umatilla allottees. August 10 last the office requested that the attention of the Department of Justice be invited to the statements made by the agent and the Indians. I am not advised that any further action has been taken in the case.

#### NONRESERVATION ALLOTMENTS.

October 10, 1900, Special Allotting Agent W. E. Casson was instructed to proceed to the Redding, Cal., land district, for the purpose of inquiring into the condition and needs of the nonreservation Indians in that locality and to ascertain the truth of the reports which had reached the office to the effect that the allotments made to the Indians there were unsuitable, that in many cases they did not know where their lands were situated, and that they had not made settlement thereon as required.

From Mr. Casson's reports it was clear that these Indians did not require material assistance in the way of subsistence, stock, farm implements, etc., as had been represented. It is a rule in charity that it is easier to extend aid than it is to withdraw it, and this applies with equal if not greater force to Indians. These people have never received aid from the Government; but if once assisted, as shown by ample experience in other cases, it is felt that they would be likely to look to the Government for help for many years.

The office was convinced, however, from Mr. Casson's reports that the allotments to Indians in both the Redding and Susanville land districts, about 1,400 in all, should be thoroughly and carefully investigated and overhauled. He was accordingly instructed to examine personally each individual allotment, to ascertain its fitness as a home for the allottee, and, if suitable, to have the corners definitely located and marked and pointed out to the Indian. He was authorized to employ two surveyors, two assistants, and two teams. The following paragraphs are quoted from office letter of April 19, 1901, to Mr. Casson in relation to this work:

From your reports, as well as reports from time to time obtained from special agents of the General Land Office and from other sources, it is clear that a great many if not the most of these allotments in the field were superficially and injudiciously made, and it is the desire of the office that the evils resulting therefrom should be corrected by you so far as practicable at this time. This is desirable not only so as to set at rest the question of the validity of the Indian's allotment and his security therein, but also that the office and the Department may not be involved in further expense in investigating specific cases upon the charges of white men or others in the years to come. \* \* \*

At the same time this work is being done the Indians should be given to understand that they must rely on their own efforts for their future support, and they should be encouraged to your utmost to settle upon their allotments and establish homes for themselves. In your work among these people the good you may be able to accomplish will consist as much in your friendly assistance, good advice, and encouragement along proper lines as in the fact of locating and defining their lands. The mere fact of giving an Indian an allotment does not change either his character or his condition. He should be persuaded, if possible, to see that the allotment will be the means of bettering his condition. To accomplish the ends suggested will of course require patience and perseverance on the part of the allotting agent. \* \* \*

However, in making future allotments to Indians, the office desires to impress upon you the necessity of keeping constantly in mind the fact that the allotment is intended as a present home for the adult Indian and as a future home for the minor, and that the same must therefore be suitable for the purpose. It is deemed to be next to useless to allot arid lands to Indians, lands upon which there is no water or upon which no water can be placed, as from their very condition it is obvious that such lands will be utterly unfit and unsuitable as homes for the Indians.

It is realized that there is but little vacant land left on the public domain excepting such as may be classed as grazing land. It would seem, however, to be almost absolutely necessary that each allotment should embrace at least a few acres of tillable land upon which the Indian may raise some garden truck as a necessary requisite to his subsistence. Very few of this class of Indians have the means wherewith to stock a grazing farm.

In making new allotments the greatest care should also be exercised that the lands allotted are not more valuable for timber than for agricultural or grazing purposes. The General Land Office is investigating all such allotments for the purpose of ascertaining the character of the lands, and if found to be more valuable for the timber thereon it will only result in the cancellation of the allotments. You will therefore see the necessity of making a personal examination of the lands allotted in every case before the application is filed.

Next in importance is the matter of settlement in the case of adults. Of course it is absolutely necessary that the Indian should be shown the corners of his allotment, and you should be fully satisfied that settlement will be made, if it has not

already been done. The purpose of making allotments, as you know, is to secure homes for homeless Indians. This purpose will not be attained if the Indian does not settle on the allotment and improve the same and make it his home. You can not too strongly impress upon this class of Indians the necessity of making settlement in good faith and of continuing the same. The questions of settlement and of the character of the lands come under the jurisdiction of the General Land Office for determination, and unless the greatest care is exercised in these matters the result will only be further expense to the Land Department and disappointment to the Indians interested.

The facts and conditions disclosed in connection with allotments heretofore made in that section of the country, as above indicated, should serve as a sufficient lesson to those interested in this work to see that in future this class of allotments is properly made, so that the purpose intended to be attained may be accomplished.

Regarding it as extremely desirable that the review of these allotments should be complete and final so that the Government would not be put to any further labor and expense in connection with them in the field, and also so that the Indian might be made secure in his home and holdings against future attack or contest by encroaching white settlers, the office, June 21, 1901, requested the Commissioner of the General Land Office to detail a special agent of that office to work in conjunction with Mr. Casson in reviewing these allotments. In that way the question of settlement and the question whether the land is of a character subject to allotment might be passed upon at the time and finally determined. July 2 the Commissioner of the General Land Office replied that Special Agent Edward Borstadt had been detailed to cooperate with Mr. Casson, as suggested.

Where the land is found to be of a character not subject to allotment, or to be unsuitable for a home, the allotment will be canceled and, if possible, other lands in lieu will be selected and allotted. Where the allottees are found to be not entitled to allotments under the later rulings of the Department, the facts are also to be reported so that steps may be taken to effect cancellation. It is proposed that where all the conditions and requirements are found to be favorable the special agents shall join in a report to that effect. This should place all such cases beyond successful contest in the future. It is the aim of the office to have this work now so thoroughly done that the Indians may be perfectly secure in their homes, at least during the continuance of the trust period. The office feels that this work, together with proper advice and encouragement, will accomplish in the end far more good for these Indians than material aid would do, no matter how judiciously the same might be extended.

Mr. Casson commenced work in the Susanville district, with his two surveying corps, about the middle of June, and it is expected that he will complete it before cold weather and snows render further work in the field impracticable. A considerable number of cases have already been reported by Mr. Casson for cancellation, while in a num-

ber of others relinquishments have been obtained from the allottees with a view to making other allotments in lieu.

Special Allotting Agent George A. Keepers, who had been furloughed and sent to his home when my last annual report was submitted, was returned to duty January 15, 1901, Congress having made a deficiency appropriation for allotment work. He was instructed to proceed to The Dalles, Oreg., land district for the purpose of assisting and making allotments to nonreservation Indians in that vicinity. In the light of the former experience of this office in connection with such allotments he was cautioned to exercise the utmost care in making further allotments and to consider Indian character, settlement, and suitability of the land as an Indian home, etc.

February 27, Mr. Keepers reported that there were from 600 to 800 nonreservation Indians in Klickitat County, Wash., and he estimated that in the two land districts of The Dalles, Oreg., and Walla Walla, Wash., there were more than 1,000 Indians entitled to allotments. All were anxious to get lands, and in Mr. Keepers's opinion the sooner they are allotted the easier and better it will be, as suitable lands are already difficult to find. In view of the rapid influx of settlers into that locality the importance of securing lands in severalty for these Indians, where suitable lands can yet be found and where there is assurance that the individual Indian will make a home for himself thereon, can scarcely be overestimated.

Up to September 21 last Mr. Keepers had made 83 allotments. It is presumed that Mr. Casson has made some in the Susanville district in lieu of canceled and relinquished allotments, but the number has not been reported by him.

No allotments to nonreservation Indians have been approved by the Department, and no trust patents for such allotments have been issued during the period covered by this report.

**Cancellation of Trust Patents—Case of Lizzie Bergen.**—September 25, 1900 (30 L. D., p. 258), the assistant attorney-general for this Department rendered an opinion in the case of Lizzie Bergen, holding that the jurisdiction of the Secretary of the Interior over land allotted to an Indian does not cease upon the issuance of the first or trust patent, but that until the second or final patent has been issued he has authority to investigate and determine as to the legality of any Indian allotment and to cancel the trust patent based upon an allotment erroneously allowed.

Lizzie Bergen, the minor child of Susan Bergen, was a nonreservation allottee in the Ashland, Wis., land district, under the provisions of the general allotment act as amended. She was one of a considerable number of such cases in the timbered section of northern Wisconsin and Minnesota, in which it was charged that the entry was

illegal and fraudulent, being for land not subject to allotment, and being made for speculative purposes and for the benefit of persons other than the allottee. This trust patent was finally canceled by the Commissioner of the General Land Office July 24, 1901, and since that date a number of other patents for lands in that land district have also been canceled.

**Allotments of Sioux ceded lands, South Dakota.**—Under section 13 of the Sioux act approved March 2, 1889 (25 Stats., 888), many Indians receiving and entitled to rations and annuities at the agencies on what was then known as the Great Sioux Reservation applied for and received allotments upon what is known as the Sioux ceded tract, South Dakota—the same having been a part of the great reservation of the Sioux nation. Some of the allottees who received allotments on this tract relinquished the same to the United States soon thereafter and returned to the reservations to which they respectively belonged. From time to time other allottees have relinquished their allotted lands to the United States and removed to their reservations. The Cheyenne River Indians are still offering relinquishments of their allotments. It is the policy of the Department to accept and confirm these relinquishments and to allow the Indians to return to their reservations and receive allotments thereon if found to be entitled.

Because of this action on the part of the Indians the Sioux ceded allotments have not been presented to the Department for approval and instructions as to the issuance of patents.

## AGREEMENTS FOR THE CESSION OF LANDS.

**Grande Ronde Reservation, Oreg.**—Special Agent Armstrong was instructed by the Department last spring, in accordance with the recommendation of this office, to make careful investigation and ascertain whether it would be desirable for the Indians of the Grande Ronde Reservation in Oregon to cede their surplus or unallotted lands, about 26,500 acres, to the United States. In his report dated May 16, 1901, he stated that he found that the surplus lands of these Indians were bringing them no revenue, but were monopolized by people who paid nothing therefor; that a considerable portion would make good homes for settlers, if opened up, and that some of the land contained merchantable timber which was not needed by the Indians, as they had sufficient timber on their respective allotments to supply their own needs. He urgently recommended that an agreement be made with these Indians providing for the cession of their surplus lands.

In compliance with Department directions the office prepared a draft of instructions June 19, for the guidance of Inspector James McLaughlin in the conduct of such negotiations. With his report, dated June

28, the inspector transmitted an agreement with the Grande Ronde Indians, concluded June 27, 1901, which provides for the cession to the United States of all their surplus lands excepting 440 acres, embracing the school farm of 200 acres and a timber reserve of 240 acres. The price agreed upon for the entire tract, 25,791 acres, is \$28,500, or a fraction more than \$1.10 per acre. This sum is to be paid to the Indians in cash pro rata, the shares of the adults over 18 years of age to be paid within 120 days from the date of the ratification of the agreement, and the shares of the minors to be paid as they arrive at the age of 18 years, the same meanwhile to be deposited in the Treasury of the United States, and to draw interest at the rate of 5 per cent per annum, such interest to be paid to the parents or guardians annually until the principal shall be paid to the child.

Both Special Agent Armstrong and Inspector McLaughlin express the opinion that good use will be made by the Indians of the cash thus received, and that they will be enabled to better their condition by such cession.

**Lower Brulé Reservation, S. Dak.**—About a year and a half ago the Lower Brulé Sioux Indians submitted to the office, through their agent, a proposition to cede to the United States, at \$1.25 per acre, two townships of land embraced in their reserve, the fund thereby obtained to be used in the purchase of young range cattle and in the construction of a substantial wire fence to inclose the two sides of the reserve not bounded by the Missouri River. This proposition was favorably received, both by this office and by the Department, and later was also highly commended by Inspector McLaughlin, to whose attention the matter was brought while on a visit of inspection at the agency. As Congress, however, failed to enact legislation last year authorizing negotiations for such cessions, it was not possible to comply with the wishes of the Indians in the matter.

By a clause contained in the Indian appropriation act for the current fiscal year, however, Congress authorized the Secretary of the Interior, in his discretion, to negotiate through any United States Indian inspector agreements with any Indians for the cession to the United States of portions of their respective reserves or surplus unallotted lands. A draft of instructions, dated April 5, 1901, was accordingly prepared by the office for the guidance of Inspector McLaughlin in the conduct of negotiations with the Lower Brulé Indians for the cession proposed. May 9 he transmitted an agreement with those Indians, concluded May 6, which provides for the cession of a tract of land, approximating 56,560 acres, embracing the western portion of the reserve, the cession line passing through the center of Ts. 106, 107, 108, 109, and 110 N., R. 77 W., fifth principal meridian. The consideration agreed upon is \$70,700 (or at the rate of \$1.25 per



acre), this sum to be expended in accordance with the wishes of the Indians as originally expressed—i. e., in the construction of a fence around the reserve and in the purchase of young range cattle.

The lands of this reserve are exceptionally well adapted for range purposes, and it is therefore believed that the provisions of this agreement, when carried out, will prove most beneficial. These Indians are reported to be well advanced and quite progressive, and, having had some experience in the management of stock, there is reason to believe that, with wise management, they will in due time, if the agreement is ratified, become independent and self-supporting.

### SALE OF INDIAN LANDS.

**Peoria and Miami lands, Indian Territory.**—The last annual report of this office stated that up to August 1, 1900, under the act of June 7, 1897 (30 Stats., p. 72), 68 conveyances of land had been made by the Peoria Indians, amounting to 5,295.28 acres, at a valuation of \$50,393.90, or \$9.51 per acre; also 31 conveyances by the Miami Indians, amounting to 2,437.80 acres, at a valuation of \$24,972.50, or \$10.24 per acre.

Between August 1, 1900, and August 1, 1901, there has been approved by the Department 18 conveyances by the Peoria Indians, amounting to 920.68 acres, at a valuation of \$14,868, an average of \$16.15 per acre; and 10 conveyances by the Miami Indians, amounting to 700 acres, at a valuation of \$7,820, an average of \$11.17 per acre.

The total sales of lands by these tribes of Indians since the passage of the act of June 7, 1897, are 86 conveyances by the Peorias, amounting to 6,215.96 acres, at a valuation of \$65,261.90, or \$10.49 per acre; and 41 conveyances by the Miami Indians, amounting to 3,137.80 acres, at a valuation of \$32,792.50, or \$10.45 per acre, making 127 conveyances by both tribes, aggregating 9,353.76 acres of land, at a valuation of \$98,054.40, an average of \$10.48 per acre.

**Citizen Potawatomi and Absentee Shawnee lands, Oklahoma.**—The last annual report of this office stated that up to August 31, 1900, under the acts of August 15, 1894 (28 Stats., p. 295), and May 31, 1900 (31 Stats., p. 247), 600 conveyances of land had been made by the citizen Potawatomi and Absentee Shawnee Indians, amounting to 61,766.60 acres of land, at a valuation of \$339,836.43, an average of \$5.50 per acre.

Between August 31, 1900, and August 15, 1901, there have been approved 234 conveyances of land by the citizen Potawatomi Indians, amounting to 24,371.65 acres, at a valuation of \$122,945.18, an average of \$5.04 per acre; also 60 conveyances of land by the Absentee Shawnee Indians, amounting to 4,309.61 acres, at a valuation of \$36,833.88, an average of \$8.54 per acre.

The total sales of lands by these two tribes since the passage of the act of August 15, 1894, are 894 conveyances, aggregating 90,447.86 acres, at a valuation of \$499,615.48, an average of \$5.52 per acre.

For the twelve months ending August 15, 1901, including 24 conveyances of land in Michigan, amounting to 972.14 acres, at a valuation of \$5,135, there has been approved 346 conveyances of land, amounting to 31,274.08 acres, at a valuation of \$187,602.06.

## INDIAN LANDS SET APART TO MISSIONARY SOCIETIES AND CHURCHES.

Tracts of reservation lands set apart during the past year for the use of societies and churches carrying on educational and missionary work among the Indians are as follows:

TABLE 11.—*Lands set apart on Indian reservations for the use of religious societies from August 31, 1900, to August 31, 1901.*

Church or society.	Date.	Acres.	Reservation.
Roman Catholic Church .....	Sept. 25, 1900	12	Osage, Okla.
Board Home Missions, Presbyterian Church .....	Oct. 25, 1901	2	Gila River, Ariz.
Do. ....	do	4	Do.
Do. ....	do	3	Do.
Do. ....	do	2½	Salt River, Ariz.
Do. ....	Nov. 15, 1900	40	Fort Peck, Mont.
Do. ....	do	40	Do.
Do. ....	do	40	Do.
Do. ....	do	40	Do.
Do. ....	do	40	Do.
Roman Catholic Church .....	do	40	Do.
Trustees public school district No. 5, Valley County. ....	do	½	Do.
Mennonite Missionary Society .....	Jan. 9, 1901	½	Moqui, Ariz.
Domestic and Foreign Missionary Society of Protestant Episcopal Church. ....	Jan. 23, 1901	160	Rosebud, S. Dak.
Do. ....	do	40	Do.
Do. ....	do	44.20	Do.
Do. ....	do	60	Do.
Board Home Missions, Presbyterian Church. ....	Jan. 26, 1901	1	Pueblo, N. Mex.
Do. ....	Feb. 12, 1901	39.47	Fort Peck, Mont.
American Baptist Home Mission Society .....	July 13, 1901	80	Kiowa, Okla.
Do. ....	do	40	Do.
Do. ....	do	40	Do.
Women's Baptist Home Mission Society of Chicago. ....	do	160	Do.
Methodist Episcopal Church .....	Aug. 27, 1901	5	Round Valley, Cal.

<sup>1</sup> On agency reserve.

## IRRIGATION.

The Indian appropriation act for the current fiscal year contains an appropriation of \$100,000 for construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, and authorizes the employment of not exceeding two superintendents of irrigation, who shall be skilled irrigation engineers.

The appropriation for the year ended June 30, 1901, was \$50,000, with a similar provision for the employment of superintendents. Under this provision two superintendents were employed—George Butler on the Shoshoni or Wind River Reservation, in Wyoming, and John B. Harper on the Pueblo and Jicarilla reservations, in New Mex-

ico. The expenditures on the San Ildefonso and other pueblos, and the Navaho, Southern Ute, and Wind River reservations during the past fiscal year aggregated some \$31,300. The balance of the appropriation was expended in repairs, maintenance, and ditch extension on a number of reservations, payment of the salary of one clerk and agency employees engaged in irrigation work.

Of the appropriation for the current fiscal year some \$36,500 is required for the pay and expense of two superintendents, pay of one clerk, and for work authorized on various reservations the most important being \$4,000 for the Southern Ute, \$4,000 for Zuni, \$7,463.35 for Klamath, and \$1,208 for the Western Shoshoni. Superintendent Butler is engaged in preliminary work on the Walker River and Pyramid Lake reservations, which is expected to require the expenditure of some \$10,000.

**Wind River Reservation, Wyo.**—March 29, 1901, Superintendent Butler submitted a report of his investigations of the Wind River Reservation, with maps and profiles of five systems of irrigation and the estimated cost of each. Their aggregate cost was some \$760,000, with contemplated extensions to cost as much more. Subsequently Superintendent Butler was ordered to this city for consultation.

July 19 the office reported to the Department that it was not deemed advisable for the Government to undertake this expenditure at this time, and it was recommended that Special Agent F. C. Armstrong be directed to visit the Wind River Reservation and to report particularly as to the advisability of reducing its size. It was believed that a considerable portion might be ceded by the Indians and the proceeds applied to furnishing irrigation on a plan similar to that pursued with the Crow Indians of Montana.

August 21 last Special Agent Armstrong submitted his report to the Department, in which he said:

At some future time much of the land north of the Big Wind River can be sold. This should not be done, however, until their irrigation system is established and the Indians are on their allotments. The surplus can then be disposed of to advantage. The future of these people can be well provided for, but the start now in the right direction is of the greatest importance.

It is wholly impracticable to commence the construction of the systems of irrigation planned by Superintendent Butler from the regular appropriation for irrigation on Indian reservations. The least expensive of them is estimated to cost some \$37,000. Not more than \$25,000, at the highest estimate, can be spared in any one year; hence the construction of the several systems, if the yearly appropriation should continue the same, would require some thirty years, and to complete the extensions contemplated would require in all sixty years. If, therefore, the systems of irrigation are to be completed before any cession of lands is made, special appropriation for that purpose will have to be made.

**San Ildefonso Pueblo, N. Mex.**—February 21, 1901, the Department authorized the expenditure of \$7,000 for the construction of a system of irrigation on this reservation, under the supervision of Superintendent John B. Harper. June 17 he reported that the ditch was rapidly nearing completion and would be finished and in operation by June 30. He is now engaged in preparing plans and estimates for a system of irrigation on the Zuni Reservation.

**Southern Ute Reservation, Colo.**—With the completion of the San Juan, Piedra, and East Side ditches, there will be five ditches in operation covering allotted lands in the ceded portion of the Southern Ute Reservation, viz: Spring Creek ditch, just east of the agency, length  $6\frac{1}{2}$  miles; West Side ditch, just west of the agency,  $6\frac{1}{2}$  miles; San Juan ditch, on the San Juan River,  $5\frac{1}{2}$  miles; Piedra ditch, on the Piedra River, 6 miles; and the East Side ditch, on the Los Pinos River.

In an opinion filed September 7, 1901, Judge Moses Hallett, of the United States court for the district of Colorado, defined the legal status of irrigation ditches constructed by the Government on the allotted lands of the Southern Ute Indians, and in effect declared that they are not subject to interference by private citizens. An injunction was issued restraining Samuel W. Morrison and the Ignacio Mesa Ditch and Reservoir Company from diverting water from the West Side Ditch. The opinion and injunction are printed on page —.

With reference to providing a system of irrigation for the Indians on the diminished reservation, the office, on June 27, 1901, reported to the Department a plan submitted by Inspector Graves, May 14, 1901, proposing that the Government enter into a contract with the owners of the Montezuma Valley Canal system to deliver at a point on the reservation line the quantity of water required at a stated price per second-foot and an additional annual charge for maintenance. The proposition is now before the Department.

**Navaho Reservation, Ariz. and N. Mex.**—August 2, 1901, this office recommended to the Department that authority be granted to expend \$800 in repairing constructed ditches on the Navaho Indian Reservation and \$1,500 for digging out, walling up, and protecting certain springs on the reservation, in order to increase the quantity of water for stock and domestic purposes among the Navaho Indians. It is difficult to keep ditches in that section of the country in proper repair, owing to heavy rains and floods, but it is, of course, necessary to keep them in a state of reasonable repair to secure any benefit therefrom.

In that portion of the Navaho Reservation bordering on the San Juan River it is proposed to survey and stake off lines for three or four small ditches leading from this river, and to secure an estimate of their probable cost, with the quantity of land which they will cover; also to file maps of the ditches on behalf of the Indians in the proper office of the Territory of New Mexico, in accordance with Territorial laws.

Both the irrigation inspectors believe that it is possible to develop a system of irrigation along the San Juan which will reclaim enough land to supply at least one-third of the Navaho Indians and that it is simply a question of the construction of the necessary ditches. They are of opinion that the irrigation possibilities of the Navaho Reservation have by no means been exhausted, and that storage reservoirs may be constructed within reasonable cost to supply fine bodies of land.

**Crow Reservation, Mont.**—May 17, 1901, the Department granted authority for Supt. Walter B. Hill to continue the construction of the Big Horn ditch, the expenditure during the present working season to be limited to \$65,000, to be taken from the grazing fund as far as practicable, and then from the annuity fund belonging to the Crow Indians, as provided in the agreement concluded with them by Inspector Graves June 23, 1899.

In a report dated September 2, 1901, Superintendent Hill says:

During the past year there has been expended in ditch construction on the Crow Reservation \$52,096.43. With this expenditure in the construction of the Bighorn canal, as shown by the tabulated statement, 155,878.8 cubic yards of material has been removed to form channels, 1,200 cubic yards of limestone masonry has been laid in the walls of the main head gate, and a waste gate and check have been constructed 2 miles below the main regulating gates.

The work has been carried on as fast as was possible under the prevailing conditions, the Indians doing all the work which they were capable of performing, and in so doing they are deserving of great credit, as the work upon which we have been engaged during the past season was done with water running through the excavation, and was very wet and disagreeable throughout the entire cutting. In fact, it was impossible to keep white labor upon this work for any length of time. The principal results accomplished in the construction of the Bighorn canal during the last year are the completion of the main regulating weir or head gate and the removal of the main obstacle to running water through the finished portion of the canal, viz, the Fort Smith cut. The headgate of the Bighorn canal is a permanent masonry structure, probably as fine a structure of its kind as can be found in the United States. The flow through this weir is controlled by five regulating gates of cast iron, which are raised by screws and hand wheels with ball-bearing attachments. The work upon this structure has been carried on at great expense and difficulty on account of frequent landslides and the excessive inflow of water into the excavation.

The Fort Smith cut is three-fourths of a mile long and contained over 200,000 cubic yards of material, consisting of loose rock, cemented gravel, and gravel with an underlying strata of shale and solid rock—very expensive material to remove. This cut is now entirely completed, and the only obstacle to running water through the first 10 miles of the canal is a small amount of material in front of and below the head gate, which we are now engaged in removing.

Work has also been commenced on the Soap Creek and Mountain Pocket flumes, which will be completed within the next two months. When these flumes are constructed and 2½ miles of ditch built between Soap Creek and Rotten Grass Creek the Bighorn Valley can be irrigated for a distance of 18 miles from the head. Unless some unforeseen obstacle is encountered, this result will surely be accomplished this season, and will place more land under ditch in the Bighorn Valley than can possibly be cultivated during the next season. Another short season should witness the completion of the Bighorn canal, when the Crow Indians will be possessed of

as fine a system of irrigation as can be found in any of the irrigated States; and, with the exception of the rock cuttings, all the earthwork of this system has been done by the Indians. While this work could probably have been accomplished cheaper and more speedily under contract by white labor, yet the policy of the Department in allowing the Indians to do the work was undoubtedly a wise one. The result of this policy has been a great improvement in the circumstances and condition of the Crows, and the work upon these ditches has been a great benefit to the tribe, both from a civilizing and educational standpoint.

Nearly all the ditches in operation on the reservation have already paid for themselves by the crops raised under them, and it is only a question of a few years when the Bighorn canal will have paid for itself in the same manner.

In a report dated August 21, 1901, Inspector W. H. Graves refers to the work on the Crow Reservation as follows:

The accomplishment of the construction of the Bighorn ditch is now in sight. The principal difficulties have been overcome and the expensive work has now been performed, and there can be no possible doubt as to the justification of the undertaking. It is one of the largest irrigation canals in the country and ranks among the best in point of construction, and, while it has been more than ordinarily difficult to construct, yet it will compare favorably in cost of construction with most of the large irrigating canals of the country, notwithstanding the employment of Indian labor chiefly and the remoteness of the locality.

There is one fact that should not be lost sight of, and that is, the cost of the work has been borne by the Indians, and the money expended in the execution of the work—which was largely returned to them—would have been given to them in any event in annuity payments, and that they are in a hundred ways better off for having worked for the money than they would have been if they had received it in installments and thereby been enabled to live in idleness.

## LOGGING ON INDIAN RESERVATIONS.

**Chippewa lands, Minnesota.**—The Indian appropriation act approved June 7, 1897 (30 Stats., 62-90), contains the following clause in regard to the disposition of "dead and down" timber belonging to the Chippewa Indians:

The Secretary of the Interior may, in his discretion, from year to year, under such regulations as he may prescribe, authorize the Indians residing on any Indian reservation in the State of Minnesota, whether the same has been allotted in severalty or is still unallotted, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation, or any part thereof, for the sole benefit of such Indians; and he may also in like manner authorize the Chippewa Indians of Minnesota who have any interest or right in the proceeds derived from the sales of ceded Indian lands or the timber growing thereon, whereof the fee is still in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such ceded land. But whenever there is reason to believe that such dead timber in either case has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act, then in that case such authority shall not be granted.

December 6, 1898, the Department granted authority for the Indians of the White Earth and Red Lake diminished reservations to conduct

logging operations. It had, however, developed that there was but little dead timber on those reservations, and as large quantities of green timber had been cut and sold as dead timber under previous logging, the office did not promulgate this authority. Logging operations were, however, carried on by the General Land Office on the ceded lands of the various Chippewa reservations in the State of Minnesota under regulations prescribed by the Secretary August 26, 1898.

The Indian appropriation act approved March 1, 1899 (30 Stats., 924-929), directed the Secretary of the Interior—

to cause an investigation by an Indian inspector and a special Indian agent of the alleged cutting of green timber under contracts for cutting "dead and down" on the Chippewa ceded and diminished reservations in the State of Minnesota; and also whether the present plan of estimating and examining timber on said lands and sale thereof is the best that can be devised for protection of the interests of said Indians; and also, in his discretion, to suspend the further estimating, appraising, examining, and cutting of timber and the sale of the same, and also suspend the sale of the lands in said reservation.

March 30, 1899, the Department, acting under this authority of law, directed this office to suspend all timber operations pertaining to the cutting or sale of timber from the diminished reserves of the Chippewas in the State of Minnesota, and also directed the Commissioner of the General Land Office to suspend all further operations touching the estimating, appraising, examining, and cutting of timber, as well as the letting of further logging contracts, on the ceded Chippewa lands in the State of Minnesota and the sale of lands in that reservation.

As it was represented that there was a large amount of dead timber standing or fallen on the Red Lake and White Earth diminished reservations which should be cut and disposed of, this office, November 1, 1900, recommended that Department letter of March 30, 1899, directing the suspension of timber operations on reservations in the State of Minnesota, be modified so as to allow the logging of dead timber standing or fallen on the White Earth and Red Lake diminished reservations, under the clause in the act of June 7, 1897, above quoted.

November 2, 1900, the Department approved the recommendation, and December 21 it approved the regulations to govern logging operations on those reservations and a form of contract to be entered into by purchasers of logs, which had been submitted by this office November 16 and afterwards recalled and amended.

These regulations required that Capt. W. A. Mercer, acting United States Indian agent for the Leech Lake Agency, personally supervise and manage the logging operations to be conducted on the White Earth and Red Lake diminished reservations.

November 19, 1900, I recommended that the authority of November 2, 1900, be extended to the ceded lands of the various Chippewa reservations in the State of Minnesota not theretofore offered for sale or

entered under the provisions of the act of January 14, 1889 (25 Stats., 642), and that the operations on the ceded lands be also under the supervision and management of Captain Mercer. This authority was granted December 21, 1900, and the rules and regulations prescribed for the government of the operations to be conducted on the White Earth and Red Lake diminished reservations were made applicable to the operations to be conducted on the ceded lands. They are published in full in this report on page —.

Under these authorities twenty-four contracts were entered into at various dates by Captain Mercer with different parties, who agreed to purchase the logs cut from the diminished reservations and the ceded lands. These contracts were all approved by this office.

Captain Mercer's report of June 29, 1901, shows as follows: 5,783,120 feet of logs was cut on the Red Lake diminished reservation, which was sold for \$33,731.35, and the total expense of these logging operations amounted to \$21,781.83, leaving a balance of \$11,949.52 to be deposited to the credit of the "proper Indians."

On the White Earth diminished reservation there was cut 17,352,223 feet of logs, which was sold for \$103,700.24, and the total cost of the logging (including \$3,212.19 paid to the allottees for the timber cut from their lands and \$1,000 held for the purpose of paying certain expenses expected to be thereafter incurred) amounted to \$75,803.41, leaving a balance of \$27,896.83, also to be deposited to the credit of the "proper Indians."

On the ceded lands 36,390,914 feet was cut, which was sold for \$227,328.04, and the cost of logging operations (including \$8,242.51 that was paid to Indian allottees for timber cut from their allotments) amounted to \$139,987.77, leaving a balance of \$87,340.27 to be deposited to the credit of "the proper Indians."

At the date of this report the logging operations for the season of 1900-1901 had not been finally closed.

*Porter-Seelye controversy.*—October 28, 1898, Charles E. Seelye, as attorney in fact for William Douglass, entered into a contract with George F. Porter by the terms of which Douglass agreed to sell, cut, haul, deliver, and bank at places agreed upon, during the logging season of 1898-99, about 500,000 feet of pine saw logs, the same to be cut from dead timber standing or fallen from sects. 10, 14, and 15, T. 147 N., R. 27 E., of the White Earth Reservation. This contract was confirmed by the Commissioner of the General Land Office January 14, 1899, except as to section 10, which was excluded.

November 5, 1899, Seelye, as attorney in fact for Maggie A. Seelye, entered into a contract with Porter agreeing to sell to him about 2,000,000 feet pine saw logs to be cut from sec. 27, T. 147 N., R. 27 W. and secs. 1, 2, 12, 13, and 24, T. 147 N., R. 28 W. This contract was



also confirmed by the General Land Office December 30, 1898, except as to the northeast quarter of the northeast quarter of section 13 and the southwest quarter of the southwest quarter of sec. 12, T. 147 N., R. 28 W.

November 5, 1899, Seelye, as attorney in fact for Ella M. Seelye also entered into a contract with Porter to sell him about 2,000,000 feet of logs which were to be cut from secs. 17 and 24, T. 147 N., R. 27 W. December 30, 1898, the Commissioner of the General Land Office confirmed this contract.

The logging operations to be conducted on these lands were to be carried on in accordance with the regulations prescribed by the Department August 24, 1898, as modified December 14, 1898. Paragraph 8 of these regulations is as follows:

The Indian agent will assume control of the proceeds of the sale, of which \$2 per 1,000 feet for white pine and \$1 per 1,000 for Norway shall be deducted by him for the benefit of the Indians and to pay all expenses of the sale, such as advertising, telegraphing, additional compensation of superintendent, and traveling expenses of superintendent and assistant superintendents; provided, that in any case where the logs are sold for an amount exceeding \$6 per 1,000 feet for white pine and \$5 per 1,000 feet for Norway, the amount to be deducted for the benefit of the Indians, as above stated, shall be proportionately increased, in the discretion of the Commissioner of the General Land Office.

The net proceeds remaining shall be divided and paid as follows:

(1) He shall pay the scalers of such logs the amount due on the part of the Indian logger.

(2) He shall pay the laborers of the logger, including foremen, blacksmiths, teamsters, filers, clerks, and cooks, any unpaid balance which may be due them under their contract for labor performed in the cutting or delivery or banking of such logs.

(3) He shall pay the party or parties furnishing the advances under the contract authorized in section 9 to the logger who delivered said logs.

(4) He shall pay to the logger or contractor who banked such logs any part remaining of the amount to be paid under his contract.

The records of the General Land Office show that under the Douglass contract there was delivered 917,710 feet of Norway pine and 54,380 feet of Norway pine for "boom timber," the aggregate value of which at \$5.50 per 1,000 feet, the agreed price was \$5,346.49; that under the Maggie A. Seelye contract there was cut 820,370 feet of white pine, 1,912,930 feet of Norway pine, and 28,000 feet of white pine and 65,770 feet of Norway pine for "boom timber," which, at \$6.25 for white pine and \$5.50 for Norway, the agreed prices, amounted in the aggregate to \$16,185.17; and that under the Ella M. Seelye contract there was cut 1,413,560 feet of white pine and 1,551,770 feet of Norway pine, and for "boom timber," 66,950 feet of white pine and 23,000 feet of Norway pine, which, at the agreed prices, amounted in the aggregate to \$11,664.37, making in all \$33,196.03 worth of timber that was cut under the three contracts. This amount, it appears, had been paid to the United States Indian agent for the White Earth

Agency, except \$3,416.61 which had been paid on time checks issued under the Maggie A. Seelye contract, and \$4,463.88, which had been paid on time checks issued under the Ella M. Seelye contract.

April 25, 1899, Porter prepared statements to be filed in the office at the White Earth Agency relative to the settlement of this contract, which statements showed that there was due Douglass \$57.11; that there was due Maggie A. Seelye, \$1,664.19, and that \$818.39 was due Ella M. Seelye.

A controversy arose relative to settling this matter, and after much correspondence, on January 2, 1900, the office instructed the White Earth agent to order a further hearing, and to direct it personally and to endeavor to ascertain whether or not Porter entered into a contract with the Indian loggers to haul their logs for them at \$4 per thousand; what would be a fair and reasonable price for such services; what supplies were furnished the camps of these loggers, and what was the ordinary price of the same at the time they were furnished. February 19, 1900, the agent of the White Earth Agency had a hearing at which both parties were present.

October 19, 1900, after considering all of the records pertaining to this controversy, which had been forwarded by the agent of the White Earth Agency, the office reached the conclusion that both Porter and Seelye were trespassers upon the timber, and that the money derived from the sale of the timber, except what it actually cost to cut and deliver the logs, should be retained for the benefit of the Indians. The agent of the White Earth Agency was so advised and was directed to state an account. Subsequently Mr. Porter's attorney filed a motion for a review of this decision and for a rehearing. As the agent had not yet stated an account, this motion could not be passed upon, but the agent has recently forwarded an account stated, and the office will soon dispose of the matter.

**La Pointe Agency, Wis.**—September 28, 1892, the President approved rules and regulations to govern the sale of timber on the allotted lands of the Lac du Flambeau Reservation, that had been conveyed by patent from the United States to the Indian allottees under the provisions of the treaty of September 30, 1854. J. H. Cushway & Co. were the successful bidders for the timber to be sold under the provisions of these regulations. Thirty-five contracts for the sale of timber on this reservation have been approved during the year.

December 6, 1893, the President approved the rules and regulations authorizing the allottees of the Bad River Reservation, in Wisconsin, to sell on stumpage all of the timber standing or fallen on their respective allotments to Justus S. Stearns, of Ludington, Mich. This authority was also granted under the provisions of the treaty of September 30, 1854. Five contracts for the sale of timber on allotments on that reservation have been approved this year.

The logging operations on these two reservations have been satisfactorily conducted.

The act of February 12, 1901 (31 Stats., 785), authorizes the Indians of the Grand Portage Reservation to sell the timber on their allotments under such rules and regulations as may be prescribed by the Secretary of the Interior. No such rules and regulations have yet been promulgated, but the matter is now under consideration by this office.

**Menominee Reservation, Wis.**—August 22, 1900, the Department, on recommendation of this office, granted authority for the agent of the Green Bay Agency, Wis., to employ Menominee Indians to carry on logging operations on their reservation for the season of 1900–1901, under the act of June 12, 1890 (26 Stats., 146). They were to cut and bank on the rivers and tributaries of the reservation 15,000,000 feet of pine timber, or so much thereof as might be practicable under the rules and regulations that governed similar operations the previous year.

Under this authority and under the direction of the agent they cut and banked 13,325,600 feet of logs on the Wolf River and tributaries and 1,674,400 feet of logs on the Oconto River, and on February 21, 1901, the agent was authorized to advertise the logs for sale, the bids to be opened in this office at 2 o'clock March 26. On that day the bids were submitted to the Department with the recommendation that the bid of S. W. Hollister & Co., of Oshkosh, Wis., for all the logs offered, 15,000,000 feet at \$13.25 per 1,000, be accepted. The Department, March 28, accepted that bid. This price, \$13.25 per 1,000 feet, is a decrease of \$3 per 1,000 feet from the average price for the season of 1899–1900.

## LEASING OF INDIAN LANDS.

Under the law Indian allotments may be leased for not exceeding three years for grazing and farming, five years for farming only, and five years for farming and mining, except that unimproved allotted lands on the Yakima Reservation may be leased for not exceeding ten years for agricultural purposes. Leases made for a money consideration alone, however, in order to secure favorable consideration by this office, should not exceed the period of one year for grazing purposes and two years for grazing and farming or farming. Where there is other consideration in addition to money, such as placing substantial improvements on the land, they should not exceed two and three years, respectively; but in cases of an exceptional character, upon a full statement of facts, leases may be made for three years for grazing and five years for farming, and in the case of the Yakima Indians farming leases may, under certain special conditions, be extended to ten years.

## ALLOTTED LANDS.

Since the date of the last annual report the following leases of allotted lands have been approved:

**Cheyenne and Arapaho Agency, Okla.**—Four hundred and ten farming and grazing leases and two business leases. The length of term for farming and grazing leases is generally three years, but those providing for a money rental alone, if for grazing only, have been approved for one year, and if for farming and grazing, for two years. A small number, drawn for farming purposes only for five years, have been approved for the full term as written, valuable improvements being provided for in each. The consideration ranges from 25 cents to \$1.50 per acre per annum. The majority of these leases, however, provide for some substantial improvements in addition to the cash rental. The business leases are for a brickkiln and a general store; each covers 3 acres, the former for five years and the latter for one year. The consideration named is \$50 and \$10 per annum, respectively. Two hundred and seventeen leases from this agency are now in this office awaiting examination.

**Colville Agency, Wash.**—Seven farming and grazing leases. The terms are two and one-half and three years. The cash consideration is about 37½ cents per acre per annum. This is in addition to valuable improvements to be made by the lessees.

**Crow Creek Agency, S. Dak.**—Twenty-three grazing leases for the term of one year. The consideration is 10 and 12½ cents per acre.

**Devils Lake Agency, N. Dak.**—One lease for haying purposes for the term of two years. The consideration is 50 cents per acre per annum.

**Leech Lake Agency, Minn.**—One business lease for a boathouse landing for three years. The consideration is \$50 per annum for 27.10 acres.

**Nez Percé Agency, Idaho.**—One hundred and thirteen farming and grazing leases and one business lease. The terms are from one to three years. The consideration ranges from 25 cents to \$2.66 per acre per annum and, in one instance, \$7. The business lease covers a small fraction of an acre to be used as a ferry landing. The term is five years and the consideration is \$10 per annum. One hundred and thirty-three leases from this agency are now in this office awaiting examination.

**Omaha and Winnebago Agency, Nebr.**—Two hundred and eighty-four farming and grazing leases and 1 lease for school purposes on the Omaha, and 417 farming and grazing leases on the Winnebago Reservation. The terms are from one to three years. The consideration ranges from 25 cents per acre per annum for grazing lands to \$2.50 for farming lands. The majority of these leases provide for placing valuable improvements on the lands. The school lease covers 2 acres for the term of three years. The consideration is \$4 per annum.

Two hundred and eighty-five grazing leases of Omaha allotments which were drawn for three-year terms, but approved for only one year, because the consideration was limited to money alone, have been approved for one more year. Fifty-five leases from this agency are in the office awaiting examination.

**Ponca, Pawnee, etc., Agency, Okla.**—Two hundred and five farming and grazing leases on the Ponca, 91 on the Pawnee, 6 on the Tonkawa, and 33 on the Oto Reservation have been approved. The terms generally are from one to three years, although a few, made for farming purposes only, are for five years. The consideration ranges from 20 cents per acre per annum for grazing lands to \$2.50 for farming lands. In a great many of these leases certain substantial improvements constitute the principal part of the consideration. Three business leases from this agency have been approved—1 on the Pawnee and 2 on the Ponca Reservation—viz, 1.02 acres for five years for stock yards, \$10 per annum; 10 acres for three years for dairy business and feeding of stock, \$30 per annum, and 3 acres for five years for feeding and slaughter of stock, \$30 per annum. Three hundred and seventeen leases from this agency are in the office awaiting examination.

**Potawatomi and Great Nemaha Agency, Kans.**—Sixty-two farming and grazing leases on the Potawatomi, 15 on the Sauk and Fox, and 11 on the Iowa Reservation. The term is from one to three years. The consideration ranges from 75 cents per acre per annum to \$3, in addition to which a large number provide for substantial improvements. Twenty-four leases from this agency are in the office awaiting examination.

**Puyallup Reservation, Wash.**—Eighteen farming and grazing leases. The term is generally two years. The consideration ranges from \$1 to \$16.50 per acre per annum, besides improvements.

**Round Valley Reservation, Cal.**—Four farming and grazing leases—1 for one year and 3 for three years. The consideration ranges from \$1.50 per acre per annum to \$2.50, which is to be applied to placing improvements on the lands.

**Sauk and Fox Agency, Okla.**—Thirty-four farming and grazing leases by the Potawatomi, 69 by the Absentee Shawnee, 110 by the Sauk and Fox, 19 by the Iowa, and 39 by the Kickapoo allottees. The terms are generally from one to three years, although a few, for farming purposes only, are for five years. The cash consideration ranges from 25 cents per acre for rough, unbroken lands to \$2.50 for cultivated lands. A majority of these leases provide for some permanent improvements in addition to the cash rental. Twelve leases from this agency are in the office awaiting examination.

**Santee Agency, Nebr.**—Twenty-two farming and grazing leases on the Santee and 9 on the Ponca Reservation. The term is from one to three years. The consideration ranges low, from 25 cents per acre per annum for grazing lands to 62½ cents for rough, unimproved

farming lands. Three leases from this agency are in the office awaiting examination.

**Sisseton Agency, S. Dak.**—Thirty-three farming and grazing leases are in the office awaiting examination.

**Southern Ute Agency, Colo.**—Three business leases. One is for hotel and grazing, 40 acres, for three years; consideration, \$40 per annum. The other two cover 120 and 80 acres, for two years, for the purpose of hauling logs to a sawmill. The consideration is \$110 and \$80 per annum, respectively. All of these leases provide for valuable improvements in addition to the cash.

**Yakima Agency, Wash.**—Twenty-two farming and grazing leases. The terms are one, three, and five years. The consideration ranges from 50 cents per acre per annum to \$2. These leases generally cover wild sage-brush lands.

In addition to the cash payments, the lessees agree to permanently improve the lands by erecting houses, fences, etc., and digging irrigation ditches. Three leases from this agency are in the office awaiting examination. A few leases from this agency, drawn for the term of ten years, have been returned by the Department unapproved, because it was not deemed advisable to approve such leases for a longer term than five years.

**Yankton Agency, S. Dak.**—One hundred and seventy-seven leases. The majority of these are for grazing purposes, a few being for farming and grazing. The term is from one to three years. The consideration ranges from 10 cents per acre per annum to 22 cents. This includes not only leases approved but also those awaiting examination August 15 last.

#### UNALLOTTED OR TRIBAL LANDS.

Since the date of the last annual report, leases and permits for the use and occupancy of tribal lands have been executed as follows:

**Duck Valley Reservation, Nev.**—Three grazing permits, as follows:

Permittee.	Term.	Rate.	Number of head.	Annual rental.
John S. Winter.....	1 year ....	\$1.00	50	\$50.00
Garat & Co.....	.....do .....	1.00	300	300.00
Riddle Bros.....	.....do .....	1.00	100	100.00

**Eastern Shawnee Reservation, Ind. T.**—Six grazing permits, as follows:

Permittee.	Term.	Rate.	Number of head.	Annual rental.
Robert Able.....	1 year ....	\$0.60	20	\$12.00
J. P. Housman.....	.....do .....	.60	15	9.00
J. R. Woolard.....	.....do .....	.60	48	28.80
Samuel Shrout.....	.....do .....	.60	12	7.20
Gilbert Atkinson.....	.....do .....	.60	4	2.40
C. N. Buckner.....	1 year ....	.10	10	1.00

**Fort Lapwai School Reserve, Idaho.**—One grazing permit in favor of John Utter, for the pasturage of 100 head of stock for one year from April 1, 1901, at the rate of \$1 per head.

**Flathead Reservation, Mont.**—Two grazing permits, as follows:

Permittee.	Term.	Rate.	Number of head.	Annual rental.
John Herman.....	1 year.....	\$1.00	400	\$400.00
Hubbart & Cromwell.....	.....do.....	1.00	200	200.00

**Kiowa and Comanche Reservation, Okla.**—Thirty-four grazing permits, covering the former pastures on the reservation, each for three and one-fifth months from April 1, 1901, as follows:

Permittee.	Pasture.	Area.	Monthly rental.
Giles H. Connell.....	10.....	28,630	\$238.56
Do.....	31.....	36,370	303.09
James Myers.....	35.....	5,424	45.20
Do.....	7.....	6,141	51.15
Do.....	Addition No. 1.....	9,357	62.38
Wm. F. Deltrich.....	41.....	3,662	30.52
Samuel P. Britt.....	30 C.....	13,774	114.79
Nellie Jones.....	2 B.....	3,140	26.17
Ascher Silberstein.....	17.....	30,462	253.85
Edward D. Byrd.....	30 O.....	4,734	39.45
Chicago, Rock Island and Pacific Rwy. Co.	Part of old pasture No. 45.....	1,280	10.67
Amos H. Hallowell.....	"Griffin lease".....	400	13.35
Frank M. Weaver.....	16.....	53,789	443.24
William H. Jennings.....	23.....	115,000	958.33
Edward L. Clark.....	36.....	7,026	58.55
Emmet Cox.....	38 and 39.....	8,402	70.01
Joseph D. Sugg.....	22 and 24.....	217,791	1,814.98
Samuel B. Burnett.....	South part of pasture No. 25.....	200,000	1,666.67
Wm. G. Maxwell.....	30 A.....	28,767	239.73
Wm. A. Wade.....	14 and south one-half of 11.....	96,395	803.29
Wm. T. Waggoner.....	26.....	375,563	3,129.61
Thomas F. Woodard.....	No. 4 and addition.....	5,000	41.67
George R. Beeler.....	Part No. 12, Smith, Creek, and Hay.....	7,093	59.11
Morris L. Hite.....	"Witherspoon pasture" (known as).....	30,821	205.47
George W. Conover.....	13.....	6,000	50.00
James L. McHaney.....	30 D.....	12,224	101.87
Driggers & Sharp.....	Rainy Mountain pasture.....	22,000	183.33
John C. Crosby.....	1.....	13,226	110.22
Jay H. Stine.....	20.....	25,432	211.94
Amos H. Hallowell.....	2 A.....	12,486	104.05
Guy Borden.....	43.....	8,370	69.75
Lee Crenshaw.....	Looking Glass, 5.....	24,078	200.65
Wm. G. Maxwell.....	Part of old No. 33, "Hay pasture".....	2,000	16.67
Frank Kell.....	29.....	24,035	200.29

In addition to the above 6 permits have been executed for the pasturage of cattle on certain of the pastures reserved for the common use of the Kiowa, Comanche, and Apache Indians, from July 6, 1901, to April 1, 1902, as follows:

Permittee.	Pasture.	Number of acres.	Monthly rental.
Eli C. Sugg.....	1 A.....	95,249	\$793.74
Ascher Silberstein.....	1 D.....	68,874	565.95
Samuel B. Burnett.....	1 B.....	100,513	837.61
William T. Waggoner.....	1 C.....	119,906	999.22
Frank M. Weaver.....	No. 3.....	22,501	187.10
Giles H. Connell.....	No. 4.....	20,514	169.84

**Navaho Reservation, Ariz. and N. Mex.**—One mining lease in favor of George F. Huff. The lease is for the production of mineral oil, coal, and other minerals, and covers one square mile of land in the Carriso Mountains, situated near the northern line of the reservation; royalty, 5 per cent of the market value of all products mined.

**Kansa (Kaw) Reservation, Okla.**—Eight grazing leases, each for the period of one year from April 1, 1901, as follows:

Lessee.	Pasture.	Area.	Rate.	Annual rental.
			<i>Cents.</i>	
Charles M. Palmer .....	1	5,795	41½	\$2,414.59
Do .....	2	5,042	41½	2,100.83
Do .....	6	6,606	41½	2,752.50
Robert M. Snyder .....	3	5,640	40½	2,298.30
Do .....	5	7,291	31½	2,314.89
Do .....	10	2,971	40½	1,210.68
Pleasy L. Childress .....	4	3,864	37½	1,439.74
Jerry W. Moseley .....	7	9,474	40	3,789.60
William F. Smith .....	8	9,323	35½	3,286.35
Do .....	11	10,482	40½	4,245.22
Amelia Clavier .....	9	900	15	135.00
Mayer & Childress .....	12	1,495	28½	351.33
O. H. White .....	15	500	15	75.00

**Osage Reservation, Okla.**—Seventy-two grazing leases, each for the period of three years from April 1, 1901, as follows:

Lessee.	Pasture.	Area.	Rate.	Annual rental.
			<i>Cents.</i>	
Mertz & Bird .....	120	12,777	35½	\$4,503.89
Wm. S. Fitzpatrick .....	23	7,497	17½	1,311.97
Do .....	107	4,454	17½	779.45
Do .....	22	3,072	10	307.20
Lewis C. Adam .....	154	3,420	30½	1,034.55
Do .....	155	2,350	30½	710.88
Do .....	156	2,330	30½	704.82
Wm. T. Leahy .....	105	780.	15	117.00
Benj. F. Avant .....	36	1,596	10	159.60
James B. George .....		900	15	135.00
James H. Clapp .....	160	12,990	25	3,247.50
Atkin & Brook .....	152	6,200	31½	1,937.50
Do .....	159	272	15	40.80
Elizabeth Baylis .....	157	640	25½	163.20
Do .....	158	703	25½	179.26
Woodley & Vance .....	61	3,131	28½	2,602.34
Do .....	111	2,400	28½	684.00
Do .....	110	5,818	27½	1,599.95
Thos. J. Webb .....	69	8,740	27	2,359.80
James H. Carney .....	161	4,090	17½	715.75
Irve Ellis .....	64	3,370	18	606.60
Do .....	68	6,050	16	968.00
Do .....	70	5,280	15	792.00
Prentiss Price .....	89	920	10	92.00
Adam & Shaver .....	123	15,390	26½	4,078.35
Howard M. Stonebreaker .....	117	5,625	27½	1,546.88
Do .....	118	22,367	27½	6,150.92
Russell & Bevans .....	119	16,864	33½	5,621.33
Do .....	150	8,805	27½	2,421.88
Do .....	151	5,826	35½	2,053.66
John Pappin .....	55	3,774	10	377.40
Geo. M. Carpenter .....	58	3,679	23	837.97
Do .....	65	4,468	30½	1,362.74
Do .....	67	7,768	30½	2,369.24
Do .....	72	2,539	20½	520.49
Do .....	96	10,500	12½	1,312.25
Do .....	112	4,867	40½	1,971.13
Do .....	113	7,084	40½	2,869.02
Do .....	114	3,689	28	1,032.92
Do .....	116	8,753	32½	2,853.19
Chas. N. Prudom .....	101	3,300	15	495.00
Do .....	103	1,420	10	142.00



Lessee.	Pasture.	Area.	Rate.	Annual rental.
			<i>Cents.</i>	
Thos. Leahy.....	25	4,268	10	\$426.80
Do.....	56	3,200	15	480.00
Do.....	60	1,110	7½	83.25
Hargis & Everett.....	128	4,800	22	946.00
Do.....	146	4,215	26	1,095.90
Do.....	167	3,137	16	501.92
Thos. P. Kyger.....	71	3,585	15	537.75
Do.....	106	7,006	15	1,050.75
Lorin B. Morledge.....	170	7,208	16½	1,160.49
James H. Gilliland.....	169	2,896	20½	600.06
Robert Thomas.....	126	2,685	16½	443.08
Do.....	173	3,543	16½	584.00
Do.....	174	1,946	16½	320.92
Do.....	175	2,426	16½	400.29
Solomon Mayer.....	115	2,694	18	484.92
Samuel J. Riddle.....	88	5,203	10	520.30
Do.....	78	2,977	10	297.70
Do.....	90	4,154	10	415.40
Morphis & Price.....	79	3,420	15	513.00
Virgile Herard.....	28	23,546	7½	1,766.95
James C. Stribling.....	63	830	35	290.50
Do.....	66	1,390	7½	104.25
Do.....	125	9,983	22	2,196.26
Do.....	127	1,571	17	267.07
Do.....	133	5,126	17½	909.87
Charles Jennings.....	46	3,743	12½	467.88
Do.....	49	8,475	12½	1,059.37
Do.....	50	4,351	12½	543.88
Do.....	82	11,457	12½	1,432.12
Do.....	83	5,097	12½	637.13
Do.....	84	6,167	12½	770.87
Do.....	5	3,479	15	521.85
Do.....	92	8,770	16	565.50
Do.....	132	2,451	15	367.65
Do.....	136	3,792	15	568.80
Do.....	138	13,983	15	2,097.45
Do.....	168	1,212	15	181.80
Eugene Hayes.....	59	3,060	15	459.00
Do.....	147	9,360	21	1,965.60
Virgile Herard.....	26	4,687	10	468.70
Rosa M. Hoots.....	48	3,807	15	571.05
Do.....	47	938	10	93.80
Sylvester J. Soldani.....	162	5,869	20	1,173.80
Do.....	177	3,045	18	548.10
Do.....	179	3,833	18	689.94
Do.....	171	1,823	15	273.45
O. T. Word and Ira W. Word.....	121	16,850	31	5,223.50
Do.....	164	10,650	28½	2,822.25
Do.....	166	8,572	28½	2,271.58
William F. Smith.....	153	5,324	25½	1,357.62
John Collins.....	12	428	10	42.80
Do.....	38	5,472	10	547.20
Do.....	13	1,036	10	103.60
Do.....	14	863	15	129.45
Do.....	76	5,126	15	768.90
Collins & Wallace.....	15	9,492	10	949.20
Albert Lombard.....	11	1,431	11	157.41
Wm. Watson.....	18	1,950	15	292.50
Kate Gorman.....	165	2,190	17	372.30
Timothy J. Leahy.....	104	1,240	7½	83.00
Wm. Johnstone.....	20	6,956	10	695.60
Walter Lombard.....	44	3,788	15	568.20
Don C. Sagers.....	139	1,822	10	182.20
Lenora Stewart.....	19	2,969	15	445.35
Wm. T. Mosier.....	94	530	15	79.50
Thos. P. Flanagan.....	176	910	21	191.10
Luther Appleby.....	9	1,300	15	195.00
Do.....	10	1,552	15	232.80
Do.....	48	2,008	15	301.20
Joel McGuire.....	143	4,020	11	442.20
Do.....	145	1,727	18½	233.15
John E. Campbell.....	33	8,250	11	907.50
Do.....	39	10,957	10	1,095.70
Stephen Lessert.....	180	319	15	47.85
Green Yeargain.....	7	3,396	15	509.40
Charles R. Keeler.....	16	6,366	7½	477.45
Norris Watkins.....	130	2,992	18	538.56
Do.....	134	2,020	18	363.60
Thomas L. Rogers.....	51	4,933	10	493.30
Edward S. Brown.....	129	901	16	144.16
Do.....	131	995	16	159.20
Do.....	21	1,284	15	192.60
Antwine Rogers.....	77	7,889	15	1,183.35
Mary J. Clawson.....	24	1,865	10	186.50

Lessee.	Pasture.	Area.	Rate.	Annual rentals.
			<i>Cents.</i>	
Lasater & Noble.....	108	9,339	28½	\$2,661.62
Do.....	109	8,251	28½	2,351.53
Harris H. Brenner.....	81	1,636	10	163.60
Frank De Noya.....	149	3,650	15	547.50
Walter Russell.....	102	4,649	31	1,441.19
Lee L. Russell.....	122	3,110	20	622.00
Do.....	124	10,433	31	3,234.23
Do.....	148	17,895	31	5,547.45
Arthur Rogers.....	75	1,439	10	143.90
Dwight N. Wheeler.....	137	588	18	105.84
Do.....	142	2,285	12½	285.63
Do.....	144	2,248	18	404.64

**Omaha and Winnebago reservations, Nebr.**—One farming lease on the Omaha Reservation and six grazing leases on the Winnebago Reservation, each for the period of one year from March 1, 1901, as follows:

Lessee.	Number of acres.	Rate.	Annual rent.
James O. Copple.....	13.1	\$1.25	\$16.38
Starkey & Mercure.....	160	.30	48.00
C. J. O'Connor.....	80	.30	24.00
James W. Boyd.....	165.3	.30	49.59
T. J. O'Connor.....	80	.40	32.00
James H. Morgan.....	29.3	.50	14.65
George Allen.....	40	.30	12.00

**Ponca and Oto and Missouri reservations, Okla.**—Three grazing leases on the Ponca Reservation and 11 grazing leases on the Oto and Missouri Reservation. The leases on the Ponca Reservation are for the period of two years from April 1, 1901, and the leases on the Oto and Missouri Reservation are for the period of three years from January 1, 1901. They are described as follows:

Lessee.	Area.	Rate.	Annual rent.
		<i>Cents.</i>	
<b>Ponca Reservation:</b>			
W. H. Vanselow.....	840	20	\$168.00
Henry E. Bouton.....	320	20	64.00
Henry C. Johnson.....	400	20	80.00
<b>Oto and Missouri Reservation:</b>			
Julian H. Morris.....	5,760	15	864.00
William R. Moore.....	8,880	15	1,332.00
George H. Carson.....	5,818	15	872.70
John B. Queen.....	320	15	48.00
Marion Swallow.....	160	15	24.00
James L. Donahoe.....	6,800	18½	1,241.00
Zack T. Miller.....	6,950	15½	1,086.00
Do.....	4,490	19½	858.70
William H. Primmer.....	640	15	96.00
Thomas A. Coleman.....	18,800	15	2,820.00
John Hendley.....	720	20	144.00

**Pine Ridge Reservation, S. Dak.**—Thirty-nine grazing permits for the period of one year, as follows:

Permittee.	Number of cattle.	Rate.	Rental.
Emma Allen	123	\$1.00	\$123.00
Alex. Adams	38	1.00	38.00
Ben Claymore & Sons	325	1.00	325.00
Mary Cotter	39	1.00	39.00
Chas. Cuney	83	1.00	83.00
Mary Carlow	10	1.00	10.00
Jessie Craven	320	1.00	320.00
Elizabeth Dixon	122	1.00	122.00
Julia Eccofoley	75	1.00	75.00
Jules Eccofoley	52	1.00	52.00
Joseph Eccofoley	59	1.00	59.00
Edgar Fire Thunder	25	1.00	25.00
Ellen Farnham	74	1.00	74.00
Julia Fischer	137	1.00	137.00
Mary Gresh	82	1.00	82.00
Susie Green	108	1.00	108.00
Nellie Gallagher	25	1.00	25.00
Mrs. Louisa Henderson	105	1.00	105.00
Chas. Jones	600	1.00	600.00
Martha Janis	62	1.00	62.00
Anton Janis	22	1.00	22.00
Julia Kocer	80	1.00	80.00
Millie Little	65	1.00	65.00
John Lee	33	1.00	33.00
W. D. McGaa	465	1.00	465.00
Georgiana O'Rourke	93	1.00	93.00
Pumpkin Seed	50	1.00	50.00
Jennie B. Pugh	100	1.00	100.00
Maggie Palmer	120	1.00	120.00
Kate Rooks	150	1.00	150.00
Mary Ruff	25	1.00	25.00
Emma Strik	273	1.00	273.00
Wm. Shaugran	78	1.00	78.00
Slow Bear	10	1.00	10.00
Julia Swallow	100	1.00	100.00
Wm. Twiss	90	1.00	90.00
Minnie Thayer	30	1.00	30.00
Emily Tibbitts	147	1.00	147.00
Emma Valandry	55	1.00	55.00

**Rosebud Reservation, S. Dak.**—Fifty-four grazing permits for the period of six months each, as follows:

Permittee.	Term.	Number of cattle.	Rental.
Wm. H. Place	Nov. 1, 1900, to May 31, 1901	400	\$200.00
Ed. Kelley	do	50	25.00
Hughes Brothers	do	50	25.00
C. J. Horgan	Oct. 1, 1900, to Mar. 31, 1901	400	100.00
W. H. Ochsner	Dec. 1, 1900, to May 31, 1901	40	20.00
E. W. Thode	do	1,000	500.00
Jos. B. Binder	do	575	287.50
Sam'l. J. Emery	May 1 to Oct. 31, 1901	91	45.50
Sanford Lunderman	do	250	125.00
Will Archer	do	155	77.50
C. O. Webster	do	90	45.00
H. D. Lewis	do	278	139.00
Cyrus Snider	do	60	30.00
Wm. McAllister	do	247	123.50
Carl Thiede	do	150	75.00
J. B. Farnsworth	do	60	30.00
Jos. P. Gordon	do	100	50.00
Oliver Dion	do	180	90.00
D. K. Roby	do	200	100.00
Nelson Polen	do	95	47.50
K. K. Robey	do	300	150.00
L. C. Ramberg	do	140	70.00
C. O. Webster	do	60	30.00
Frank A. Lewis	do	500	250.00
Arthur Newman	do	84	42.00
James Hudson	do	492	246.00
Arthur Cruise	do	400	200.00

Permittee.	Term.	Number of cattle.	Rental.
John Bonser.....	May 1 to Oct. 31, 1901.....	200	\$100.00
D. M. Utter.....	do.....	300	150.00
R. W. Dunn.....	do.....	4,193	2,096.50
F. A. Cutschall.....	do.....	180	90.00
S. H. Williams.....	do.....	50	25.00
Chas. Wakefield.....	do.....	60	30.00
Wm. McAllister.....	do.....	100	50.00
Cris Anderson.....	do.....	128	64.00
Jeffrey H. Scissons.....	do.....	100	50.00
Ben Furgeon.....	do.....	77	38.50
Frank Waugh.....	do.....	75	37.50
B. F. Dimond.....	do.....	150	75.00
C. J. Horgan.....	Apr. 1 to Sept. 30, 1901.....	400	200.00
E. E. Dillon.....	May 1 to Oct. 31, 1901.....	110	55.00
B. F. Hobson.....	do.....	200	100.00
T. P. Spratt.....	do.....	120	60.00
H. A. Dawson.....	do.....	4,150	2,075.00
R. W. Dunn.....	do.....	300	150.00
Frank P. Ganaway.....	do.....	100	50.00
R. W. Dunn.....	July 16, 1901, to Jan. 16, 1902.....	340	170.00
J. M. Flamingan.....	June 26, 1901, to Dec. 26, 1902.....	678	339.00
Arthur Cruise.....	Nov. 1, 1901, to Apr. 30, 1902.....	300	150.00
J. H. Livingston.....	May 1, 1901, to Oct. 31, 1901.....	600	300.00
Grant S. Cherrington.....	do.....	300	150.00
Henry Ham.....	do.....	2,000	1,000.00
Olof Nelson.....	do.....	200	100.00
Chas. S. Jewell.....	do.....	100	50.00

**San Carlos Reservation, Ariz.—Five grazing permits, as follows:**

Permittee.	Term.	Number of cattle.	Rental.
A. & J. Warren.....	Apr. 1, 1901, to Mar. 31, 1902.....	300	\$150.00
J. V. Vickers.....	do.....	10,000	5,000.00
J. W. Hampson.....	do.....	5,000	2,500.00
B. F. Parks.....	do.....	1,000	500.00
A. H. Gibson.....	do.....	500	250.00

**Seneca Reservation, Ind. T.**—One mining lease, in favor of John Kariho et al., for the mining of lead, zinc, and other minerals. Term, ten years from April 16, 1901; covers 160 acres. Royalty, 10 per cent of the cash value of all mineral mined.

**Tule River Reservation, Cal.**—One grazing permit, in favor of McIntyre Brothers, for the pasturage of 12,000 head of sheep on the reservation; term, one year from June 1, 1901; consideration, \$1,000.

**Uinta Reservation, Utah.**—One grazing lease, in favor of Charles S. Carter, for the period of one year from April 1, 1901. The lease covers some 80,000 acres, lying east of Range No. 1; consideration, \$2,000.

## TELEPHONE AND TELEGRAPH LINES ACROSS INDIAN LANDS.

In the Indian appropriation act of March 3, 1901 (31 Stats., 1058), there is included a paragraph under section 3 authorizing the Secretary of the Interior to grant a right of way, in the nature of an easement, for the construction, operation, and maintenance of telephone

and telegraph lines and offices for general telephone and telegraph business through Indian lands, as follows:

SEC. 3. That the Secretary of the Interior is hereby authorized and empowered to grant a right of way, in the nature of an easement, for the construction, operation, and maintenance of telephone and telegraph lines and offices for general telephone and telegraph business through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian Service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed. No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from the Secretary of the Interior, and the maps of definite location of the lines shall be subject to his approval. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval; and where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained; and all such lines shall be constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority; and Congress hereby expressly reserves the right to regulate the tolls or charges for the transmission of messages over any lines constructed under the provisions of this act: *Provided, That* incorporated cities and towns into or through which such telephone or telegraphic lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities. \* \* \*

Regulations were prescribed under the foregoing section March 15, 1901, and appear in full on page — of this report.

Prior to the enactment of the foregoing legislation there was no general law authorizing the construction and operation of telephone and telegraph lines across Indian lands, except as the general act of March 2, 1899, concerning rights of way for railroads across Indian lands, provides for the construction of telegraph lines in connection therewith. This legislation has already proved beneficial in the Indian Territory, where a few telephone lines have heretofore been operated under franchises granted by the several tribal governments without regard to uniformity in any particular.

Applications have been filed in this office for permission to construct telephone and telegraph lines under the provisions of section 3 of the act of March 3, 1901, by the following-named corporations and individuals, and action has been taken on each as hereinafter noted:

**Arkansas Valley Telephone Company.**—Application was filed May 15, 1901, by E. D. Nims, vice-president. The route of the proposed line

is as follows: Commencing on the west line of the Creek Nation, adjoining the right of way of the St. Louis and San Francisco Railway, thence east along the south side of said right of way to Sapulpa, Creek Nation, Ind. T., 51 miles; also commencing at the town of Sapulpa and extending southerly through the Creek, Seminole, and Chickasaw nations to Red River, 194 miles; also commencing on the west line of the Seminole Nation, adjoining the right of way of the Choctaw, Oklahoma and Gulf Railroad, extending easterly along the right of way of that railroad through the Seminole, Creek, and Choctaw nations to the town of South McAlester, a distance of 70 miles; also commencing in the Chickasaw Nation, on the right of way of the St. Louis and San Francisco Railway, southerly from the town of Scullin, extending thence along the base line to the town of Sulphur, 6 miles; also commencing at a point immediately north of the town of Ravia and extending east along the base line to the town of Tishomingo, 5 miles—a total distance of 326 miles.

May 16, 1901, the Muskogee National Telephone Company, by B. E. English, its secretary and treasurer, filed a protest against granting the above-described right of way, alleging that the Creek council had granted to it the exclusive privilege of building and operating telephone systems within the Creek Nation for a period of fifteen years; and that it had expended several thousand dollars in building and operating telephone systems through the Creek Nation, for which privilege it is paying that nation an annual tax of 5 per cent. Request was made that rival companies should not be granted privileges without an opportunity for the Muskogee National Telephone Company to be heard. June 10 the company, in further explanation of its protest, claimed a preference right to establish telephone systems in the Creek Nation by virtue of the act of the Creek council above mentioned.

May 27, 1901, the Department directed that the Muskogee National Telephone Company be granted ten days from notice to prepare any statement it might desire to make relative to the application of the Arkansas Valley Telephone Company. Such a statement was embodied in the letter of June 10, above referred to, and also in a letter dated July 2, in which it was stated that the Muskogee National Telephone Company had in operation a long-distance telephone line from Wagoner, in the Creek Nation, to Eufaula, a distance of about 50 miles; the company further protested against granting permission for the construction of a parallel line by the Arkansas Valley Telephone Company, the Indianola Telephone and Telegraph Company (referred to hereafter, page 86), or any other company.

The protest of the Indian Territory Telephone Company against the granting of a right of way to the Indianola Telephone and Telegraph Company, referred to on page 85, was considered in connection with the protest of the Muskogee National Telephone Company—the same

points being involved. July 26 the Department referred to this office the opinion of the Assistant Attorney-General dated July 19, 1901, in which it was held that—

any claim of these protesting companies of an exclusive right to use and operate telephone lines within the Cherokee and Creek lands, respectively, can not be sustained. \* \* \* Whether rights properly and regularly acquired under any tribal law will be injuriously affected by the granting of any specific petition for a right of way under the act of 1901 is a matter that may properly be taken into consideration in determining whether such petition should be granted.

It is stated in Department letter of July 26 that consideration has been given this feature of the case, and that nothing is found in the contention of the Muskogee National Telephone Company which would warrant the Department in refusing the application of the Arkansas Valley Telephone Company; that the act of March 3, 1901, relative to the granting of rights of way for telephone and telegraph lines contains no inhibition as to paralleling lines already constructed or in course of construction; that a monopoly can not be claimed by anyone; that the object of the act of March 3, 1901, was to give parties operating telephone lines in the Indian Territory, or desiring to do so, a right over the lands of the different nations, and that if the usefulness of the protesting companies can not survive competition it is not the fault of the law.

The protest of the Muskogee National Telephone Company was accordingly dismissed and the application of the Arkansas Valley Telephone Company approved as of date July 26, 1901.

**S. J. Bear.**—Informal application for permission to construct a telephone line from Chickasha, Chickasaw Nation, Ind. T., extending westerly through the Kiowa, Comanche, and Apache Reservation, was referred to this office by the Department April 8, 1901. A copy of the regulations prescribed under the act of March 3, 1901, and instructions in the matter of preparing applications were forwarded the applicant by this office April 20.

**Roy A. Baird.**—Informal application was filed in this office on the 11th of last May for permission to construct a telephone system in the Kiowa, Comanche, and Apache Reservation to connect Fort Sill and other points in that reservation with the Southwestern Telephone and Telegraph Company at Wichita Falls, Tex. May 20 instructions and regulations were furnished the writer.

**Claremore Telephone Company.**—J. G. Rucker, president, June 21, 1901, submitted an application, accompanied by maps of definite location, for permission to construct and operate a telephone line along the right of way of the Kansas and Arkansas Valley Railway Company from Wagoner, Creek Nation, Ind. T., and extending thence northerly through the Creek and Cherokee nations to the south line of the State of Kansas, a distance of 79 miles. The application and

maps, not conforming to Department regulations, were returned to the applicant with instructions. Corrected maps and formal application were filed in this office August 27.

Meantime there was filed, July 29, 1901, by Messrs. Hutchings, West & Parker, as attorneys for J. E. Campbell, an application, accompanied by maps of definite location, both in proper form, for permission to locate a telephone line from a point on the south line of the State of Kansas adjoining and along the right of way of the Kansas and Arkansas Valley Railroad to a point at or near Wagoner, in the Creek Nation, Ind. T. The line of route as shown upon the map of definite location is coincident with the line shown on the map of definite location filed by the Claremore Telephone Company. The above applications are now pending before the Department.

**Cherokee Nation Telephone Company.**—By Department reference, informal application dated April 2, 1901, was filed in this office by W. H. Gates, manager, for permission to locate and construct a telephone line from the town of Pawhuska, in the Osage Reservation, to the east side of the Osage Nation, in the direction of Bartlesville, Ind. T. Instructions and regulations were forwarded the applicant by this office June 12.

**Colorado River Telephone Company.**—Informal application was filed in this office by R. P. H. Laney, secretary, on the 23d of last May, for permission to construct and maintain a telephone line across the Yuma Indian Reservation, beginning at a point on the right bank of the Colorado River opposite the town of Yuma, Ariz., and extending thence in a northerly direction across the Indian reservation. Instructions and regulations were forwarded Superintendent Spear, of the Fort Yuma school, for the information of the applicant.

**Robert H. Hall.**—August 6, 1901, Robert H. Hall, of Tulsa, Ind. T., was granted authority by the Department to survey and locate telephone lines in the Indian Territory, commencing at Tulsa, Ind. T., and from that point radiating to numerous towns in the Cherokee and Creek nations and in the Osage Reservation, and extending a short distance into the Territory of Oklahoma to the town of Chandler, the combined length of the lines being about 440 miles, as follows: From a point on the Indian Territory-Kansas line near Caney, extending southerly through the town of Tulsa, Ind. T., to the town of Holdenville, in the Creek Nation, Ind. T.; from a point in Lincoln County, Okla., near Chandler, extending northeasterly through the town of Tulsa to Vinita, in the Cherokee Nation, Ind. T., and from a point at Pawhuska, Osage Reservation, Okla., extending southerly and southeasterly to the town of Muscogee, Creek Nation, Ind. T.

**Indian Territory Telephone Company.**—Application was filed in this office by Oliver Bagby, president, July 12, 1901, for permission to locate a telephone line from Vinita, Cherokee Nation, Ind. T., along the south side of the right of way of the St. Louis and San Francisco



Railroad to the town of Sapulpa, Creek Nation, Ind. T., a distance of 78 miles. The application and map of definite location were submitted to the Department August 10. August 14 the company was authorized to construct a telephone line along the route described in the application and shown on the map of definite location.

**Indianola Telephone and Telegraph Company.**—Application was filed in this office June 26, 1901, by Walter B. Richie, general manager, for permission to locate a line of telephone adjoining the right of way of the Missouri, Kansas and Texas Railway Company from the north to the south line of the Indian Territory.

June 29, 1901, the Indian Territory Telephone Company, through its attorneys, filed a protest against the granting of such right of way to the Indianola Telephone and Telegraph Company. This protest was transmitted to the Department July 3, together with the application and maps of definite location of the Indianola Telephone and Telegraph Company. The protest of the Indian Territory Telephone Company was dismissed, as already noted on page 83, and by Department letter dated July 26, 1901, the application and maps of definite location of the Indianola Telephone Company were approved and authority granted the company to construct its proposed line. J. Blair Shoenfelt, agent of the Union Agency, was designated to assess the damages suffered by the Indian nations or by any individual occupants through whose lands the telephone line will run. His instructions contained in office letter dated July 30 were approved by the Department August 3.

**Minnesota Telephone and Electric Company.**—Informal application was filed in this office by W. R. Baumbach in behalf of the Minnesota Telephone and Electric Light Company for permission to locate a line of telephone through the White Earth Reservation in Minnesota, between Bemidji and Deer River, along the right of way of the Great Northern Railway Company. Regulations and instructions were forwarded the applicant by this office April 19. No further action has been taken by the company relative to perfecting its application.

**Minnesota Electric Telephone Company.**—Informal application was filed in this office by D. N. Tallman, president, March 18, 1901, for permission to locate a telephone line across the Leech Lake Reservation in Minnesota. Instructions and regulations were forwarded applicant April 19.

**Nebraska Telephone Company.**—Application was filed in this office by C. E. Yost, president, June 10, 1901, for permission to locate and construct a telephone line through the Omaha and Winnebago Reservations in Nebraska, along a route beginning at Homer, Nebr., and terminating at the Omaha and Winnebago Agency. The Indian agent, Charles Mathewson, stated that the line, if constructed along the route proposed, would no doubt follow the public highway and would do no damage to any allottee on the reservation and that the construction

of the line would be of much benefit to the agency. Authority was granted the company by the Department June 21 to proceed to obtain the desired right of way under the prescribed regulations.

**Oklahoma Telephone and Railway Company.**—Application was filed in this office April 27, 1901, by this company for permission to locate and construct telephone lines extending to and from various points in the Indian Territory and Oklahoma. The Department, on May 10, returned the application unapproved and directed this office to advise the applicant to furnish additional evidence required by the regulations. The attorney for the company was advised May 15, as directed.

**Osage and Eastern Oklahoma Telephone Company.**—Application was filed in this office June 21, 1901, by J. H. Clapp, president, for permission to locate and construct a telephone line along a route described as follows: Commencing at the corporate limits of Ponca City, Okla., and extending thence easterly to the village of Pawhuska, in the Osage Nation, thence in a northerly direction to the town of Elgin, in the State of Kansas; also a branch line from the most convenient point on the line between Ponca City and Pawhuska, extending in a northerly direction to Kaw Agency and Hay Creek pasture; also a branch from the main line in a southerly direction to Gray Horse, in the Osage Nation, and to Ralston, in Pawnee County, Okla. The application was transmitted to the Department July 1, and July 3 the survey was authorized over the route above described.

**Pacific States Telephone and Telegraph Company.**—The Department referred to this office, April 24, 1901, a communication from Louis Glass, general manager, making application, accompanied by map of location, for permission to use a right of way through the Yakima Reservation, in the State of Washington, for electrical poles and lines for telephone and telegraph purposes, under the act of February 15, 1901. The line of the proposed route is described as beginning at the point about 1 mile east of the old town of Yakima and terminating at Mabton, a distance of 33 miles, the line being just off the right of way of the Northern Pacific Railway Company through the reservation. In office letter dated May 2 it was suggested that the company be requested to consider the advisability of making application under the provisions of section 3 of the act of March 3, 1901. The Department concurred May 6, and the company was requested accordingly May 10. No further action has been taken in the matter by the company.

**Postal Telegraph-Cable Company.**—July 22, 1901, the superintendent of the Tulalip Agency advised this office that the employees of the Postal Telegraph-Cable Company were interfering with the rights of Indians on the Port Madison Reservation, Wash., by reason of an attempt to locate a telegraph line on that reservation. The office was requested by the general manager of the company, July 25, to advise the company whether or not permission had not been granted the

Puget Sound Telegraph Company to locate a telegraph line across the Port Madison Reservation some time subsequent to the year 1870. The records of this office were examined and nothing could be found indicating that application had ever been made for the location of a telegraph line on that reservation, and the company was so advised August 7.

**Snohomish River Boom Company.**—February 25, 1901, E. E. Brehm, president, filed in this office a request for permission to locate and construct a telephone line across a corner of the Tulalip Reservation, in the State of Washington, extending from the town of Marysville to a point on Port Gardner, in sec. 31, T. 30 N., R. 5 E., W. M., a distance of about 2½ miles. The application was submitted to the Department March 14, and on the 26th it authorized the survey and location of the line of telephone as proposed on condition that the company prepare maps of definite location in accordance with Department regulations. The agent of the Tulalip Agency was designated to assess the damages suffered by the Indian allottees by reason of the location of the line. No further action has been taken by the company in the matter.

**E. F. Sparrow and R. W. Black.**—May 31, 1901, application was filed by the parties named for permission to locate and construct a telephone line along the wagon road connecting the town of Pawhuska, Osage Reservation, and the town of Elgin, on the south line of the State of Kansas, a distance of 25 miles. The application and accompanying map showing the proposed line were submitted to the Department June 12, and on the 14th of June authority was granted for the parties named to survey and locate a line along the route described.

**F. H. Wright.**—July 5, 1901, the Department approved the applications of F. H. Wright for authority to survey and locate a telephone line in the Indian Territory and a line in the Kiowa, Comanche, and Apache Reservation, in Oklahoma, as follows: Beginning at the town of Chickasha, Ind. T., extending thence westerly to the west line of the Indian Territory, and thence westerly in the Kiowa, Comanche, and Apache Reservation to a point on the north line of said reservation south of sec. 36, T. 8 N., R. 15 W. Also beginning at Anadarko and extending thence in a southerly direction to a point on or near the east line of the Fort Sill Military Reservation, thence easterly to the west line of the Indian Territory, thence easterly to the town of Marlow, Ind. T. July 8 further authority was granted F. H. Wright relative to the construction of that portion of the above-described line in the Indian Territory. July 18 he was further authorized to locate and construct a telephone line from a point on or near the east line of the Fort Sill Military Reservation in the Kiowa, Comanche, and Apache Reservation, Okla., to a point at or near the south line of the town of Lawton, Okla. July 26 the Department authorized the loca-

tion and survey of a further line extending from the town of Lawton, Okla., to the town of Duncan, Ind. T.

The maps of definite location showing the survey and location of these lines, excepting that between Lawton and Duncan, were filed in this office June 20, and were returned for correction on account of a discrepancy shown on the maps. By reason of the opening of the surplus lands of the Kiowa, Comanche, and Apache Reservation and the urgent need of telephonic communication, the Department, July 26, authorized Mr. Wright to commence the construction of his proposed lines on condition that maps of definite location, properly prepared, should be filed within ten days thereafter. A portion of the maps are now on file in this office, and the office is informed that maps showing the location of the entire line will be filed at an early date.

### RAILROADS ACROSS INDIAN LANDS.

During the fiscal year ending June 30, 1901, great activity has been manifested in the direction of railroad operations in the Indian Territory and Oklahoma.

This alertness is not only noticeable among railroad companies organized and having lines of railroad in operation in these Territories prior to June 30, 1900, but also in the organization of new companies evidently incorporated for the purpose of acquiring franchises through this resourceful region whereby to participate in the development of the country. Operations in this line have been stimulated, no doubt, in the Indian Territory by reason of the approaching consummation of the plans of the General Government for the extinguishment of the several tribal governments and a reorganization of the political and social conditions now prevailing, and in the Territory of Oklahoma by the allotment of the lands in the Wichita and the Kiowa, Comanche, and Apache reservations to the Indians in severalty and the subsequent opening of the surplus lands to public settlement.

Applications for rights of way submitted by the newly organized companies have in most instances been filed under the provisions of the general right-of-way act approved March 2, 1899 (30 Stats., 990), and the regulations of the Department prescribed thereunder, dated April 18, 1899. Paragraph 18 of the regulations above referred to was amended April 8, 1901, to read as follows:

18. In filing maps of location for approval under this act, the same should therefore be accompanied by the affidavit of the president or other principal officer of the company, defining the purpose, intent, and ability of the company in the matter of the construction of the proposed road. Further, each map should be accompanied by evidence of the service of an exact copy thereof and the date of such service, as follows:

"1. In the case of lands in any Indian reservation or reserved for any purpose in connection with the Indian service, upon the agent or other officer in charge.

"2. In the case of lands of one of the Five Civilized Tribes in Indian Territory, upon the principal officer of the tribe and also upon the Indian agent in charge.

"3. In the case of an allotment not within a reservation and not upon lands of one of the Five Civilized Tribes, upon the agent or other officer under whose supervision such allotment falls, and upon the allottee or owner, if living upon or in the vicinity of the allotment, and if not living thereon or in that vicinity, upon the person in actual possession of the allotment, and if no person be in actual possession thereof, then by posting in a conspicuous place upon the land a concise notice of the application for the right of way across the same.

"4. In case of an allotment within a reservation or upon lands of one of the Five Civilized Tribes, in addition to the service required by subdivisions 1 or 2 hereof, whichever is applicable, a concise written notice of the application for a right of way across the allotment shall also be served upon the allottee or owner if living upon or in the vicinity of the allotment, and if not living thereon or in that vicinity upon the person in actual possession of the allotment, and, if no person be in actual possession thereof then by posting in a conspicuous place upon the land, which notice shall recite the fact that a copy of the map of the proposed right of way may be inspected on application to the agent or officer in charge.

"5. When personal service upon an allottee or owner of allotted land is not had, service under subdivisions 3 and 4 hereof shall be accompanied by a certificate of the agent or other officer under whose supervision the allotment falls, stating the existence of the specific facts justifying the particular manner of service employed."<sup>1</sup>

Rights of way and authority to make surveys have been granted railroad companies since the date of the last annual report and up to the 4th of September, 1901, as follows:

**Arkansas and Choctaw Railway Company.**—June 18, 1900, the Department approved a map of definite location showing the surveyed line of this company's road from the east to the west line of Indian Territory, subject to the provisions of the act of January 28, 1899 (30 Stats., 806). Under this act the payments for right of way are to be made to the tribes "in installments of \$500 as each 10 miles of road is graded," and no grading or construction can be done until "a map showing the entire line of the road in the Indian Territory shall be filed with and approved by the Secretary of the Interior." October 30, 1900, the Choctaw and Chickasaw nations, by resolutions of their national councils, dissented from the statutory provision of \$50 per mile, of which action the attorney for the railroad company was duly advised December 21, 1900. In reply it was claimed by the company that this action of the Choctaw and Chickasaw nations was taken after the expiration of four months from the date of the approval of the map of definite location (June 18, 1900), and that therefore the company could only be required to make compensation for right of way at the rate of \$50 per mile, as provided by the act of January 28, 1899. The subject was referred to the Department by this office February 25, 1901, and March 11 the Department, in reply, held that the time within which the nations could legally dissent began to run from the

<sup>1</sup> Forms for use under the foregoing amendment will be furnished applicants upon request to the Indian office.

date they were notified of the approval of the map of definite location. This decision was reaffirmed by Department letter dated April 26, 1901.

May 24, 1901, this company filed a map amending a portion of the line of definite location shown upon sections 8 and 9, where the line of the Arkansas and Choctaw Railway Company conflicts with the line of the Western Oklahoma Railroad Company, which was transmitted to the Department by this office May 27 and was returned approved May 28. Accompanying these new maps was a relinquishment by the company of the corresponding part of the route covered by the original maps.

July 9, 1901, the Department referred to this office a communication from W. C. Perry, attorney for the railroad company, asking for a review of the ruling of the Department relative to the payment to be made the Choctaw and Chickasaw nations. With it was the opinion of the Assistant Attorney-General that a review of such ruling was unnecessary, inasmuch as the approval of the amendment to the map of definite location fixes the date from which the time begins to run against the nations within which they may dissent from the statutory provision of \$50 per mile.

The Department held that—

No map or maps showing its entire line as changed by said amended or new maps was or were filed with and approved by the Secretary of the Interior before May 28, 1901. There can be no map of definite location until there is lodged with the Secretary of the Interior an *accepted* map which authorizes the grading and construction of the road. A map can not be said to be one of definite location if it does not fix the place of construction. (*Van Wyck v. Knevals*, 106 U. S., 360.) The approval of the map by the Secretary of the Interior—in other words, its acceptance—is an essential element to fixing the place of construction. The question whether the route of this road through Indian Territory when once definitely located can be changed by the company with the approval of the Secretary of the Interior was resolved in the affirmative by the action of the company in filing and of the Secretary of the Interior in approving the amendment to the map of the entire line, and if the map showing the entire line of the road in the Indian Territory as so amended is the one along the line of which construction is now authorized and intended, it seems to follow that it is the one which fixes the mileage according to which compensation is to be made to the Indian tribes, and it is also the map the filing of which fixes the time within which the Indian general councils may dissent from the statutory allowance of compensation at the rate of \$50 per mile.

To sum it all up, this company is now in a situation, by reason of the filing and approval of the amendment to the map showing the entire line of the road in the Indian Territory, where, under the statute, the Indian tribes will have four months after May 28, 1901, within which, through their general councils, to dissent from the statutory allowance of compensation and to certify such dissent to the Secretary of the Interior.

The office was directed to forward a copy of this letter to the governor of the Chickasaw Nation, to the principal chief of the Choctaw Nation, and to the attorney of the Arkansas and Choctaw Railway

Company, which was done July 16 last. The office is not advised of any action having been taken by either the Choctaw or Chickasaw nations; such action may be taken, under the ruling of the Department, at any date prior to September 28, 1901.

**Blackwell, Enid and Southwestern Railroad Company.**—This company was chartered under the laws of the Territory of Oklahoma and its articles of incorporation were filed in the office of the secretary of that Territory on the 6th day of March, 1900. On April 16, 1901, application was filed in this office by Breckenridge Jones, president of the company, for permission to survey and locate a line of road in a southwesterly direction from the city of Enid, in Garfield County, Okla., through the counties of Garfield, Woods, Kingfisher, Blaine, Custer, and Washita, and through the Kiowa, Comanche, and Apache Reservation, to a point on Red River on the boundary line between Oklahoma and Texas. April 18 the Department authorized the survey and location of a line of road through Indian lands along the line described in the application except as to that portion extending beyond and across the Kiowa, Comanche, and Apache Reservation, and on June 14 additional authority was granted for the survey and location of that portion of the line extending through the Kiowa, etc., Reservation, entering that reservation near the ninety-ninth meridian and leaving it at a point between the southeast corner of Greer County, Okla., and not more than 20 miles east of the ninety-ninth meridian. July 26 the company was further authorized to extend its survey over Indian lands northeasterly from Enid, Okla., through the Kansa and Osage reservations.

A map of definite location showing the line of route as surveyed through the Kiowa, Comanche, and Apache Reservation was filed in this office July 29, 1901, and transmitted to the Department July 30. This map was approved by the Department August 1, subject to the provisions of the act of March 2, 1899, and the United States Indian agent of the Kiowa, etc., Agency was designated to act for and on behalf of any Indian allottees suffering damage by reason of such survey.

**Columbia Valley Railroad Company.**—As stated in the last annual report, this company submitted application on December 21, 1899, for permission to locate a line of railroad along the north bank of the Columbia River from a point opposite the town of Wallula, Wash., extending in a general westerly direction to Vancouver, Wash. Owing to an apparent conflict between this company and the Columbia Railway and Navigation Company for right of way along practically the same route, the Department, on September 7, 1900, declined to approve the map of section 6 of the line of road through T. 2 N., Rs. 13, 14, and 15 E., in Klickitat County, Wash., across Indian lands. It was subsequently satisfactorily shown that the line of road as proposed by the Columbia Valley Railroad Company would promote the public

interests, inasmuch as it was intended to reach remote portions not connected with railroad lines, and January 16, 1901, maps of definite location showing the survey of the portion of the line through certain Indian allotments in Klickitat County, Wash., were submitted to the Department. January 18, the maps were approved, under the act of March 2, 1899, and Supervisor Frank M. Conser was designated to act for the Indians in negotiating amicable settlements with the company for right of way through their respective lands.

The supervisor's report was submitted April 16, 1901, accompanied by a schedule showing the settlements effected with Indian allottees, amounting to \$430, and, also, a schedule showing the payments made to certain of the allottees, amounting to \$265. Accompanying the report was New York exchange in the sum of \$165, being the amount unpaid to Indian allottees, the payment being deferred in these two cases on account of certain action to be taken to perfect titles of allotments. The matter of perfecting title was taken up with Special Allotting Agent George A. Keepers by office letter dated April 29, 1901. One of the allottees has been paid, as shown on the schedule prepared by Mr. Conser; the other case has not yet been satisfactorily adjusted. There was a third allotment affected, over which there is a conflict which is now in course of adjustment. It was agreed, however, that \$200 would cover the amount of damages in this case, and accordingly this amount was collected from the railroad company and is held in this office pending the final adjudication of the matter.

**Chicago, Rock Island and Pacific Railway Company.**—In the last annual report it was noted that on July 15, 1899, the Department approved three sectional maps of 25 miles each of the second southwestern branch line of this company's road from a point in the NE.  $\frac{1}{4}$  of sec. 13, T. 13 N., R. 8 W., to a point in the SW.  $\frac{1}{4}$  of sec. 8, T. 2 N., R. 11 W., in the Kiowa and Comanche Reservation, Okla.

June 11, 1901, there were filed in this office three maps showing station grounds selected by this company along its line of road as follows: In the E.  $\frac{1}{2}$  of sec. 17, T. 6 N., R. 10 W., 13.6 acres. In the S.  $\frac{1}{2}$  of sec. 21, T. 5 N., R. 11 W., 13.8 acres. In the W.  $\frac{1}{2}$  of sec. 21, T. 4 N., R. 11 W., 13.8 acres. These maps were approved by the Department June 28, and the Indian agent of the Kiowa Agency, was designated to act on behalf of Indian allottees upon whose lands the station grounds are located.

July 8, 1901, there were filed by this company map of definite location, showing the survey of a line of road extending southerly from a point in sec. 8, T. 2 N., R. 11 W., to a point in the NW.  $\frac{1}{4}$  of sec. 4, T. 2 S., R. 14 W., in the Territory of Oklahoma, a distance of 25 miles. Also a map showing station grounds located in the NW.  $\frac{1}{4}$  of sec. 32, T. 2 N., R. 11 W., containing 12.3 acres. These maps were submitted to the Department July 15, and July 23 they were returned



approved (except as to such portion of the definite location as is within the Fort Sill Military Reservation), subject to all the provisions of the act of March 3, 1875, and also of the acts of March 2, 1887, and June 27, 1890, and subject to all prior valid existing rights and adverse claims. The agent of the Kiowa Agency was designated to act on behalf of the Indian allottees suffering damage by reason of such survey, and also to appraise damages on account of the survey through pasture reserve No. 1 of the Kiowa, Comanche, and Apache Indians.

**Choctaw, Oklahoma and Gulf Railroad Company.**—November 14, 1900, this office transmitted to the Department a map showing the location of a branch line extending from station 161+00, or milepost 369.6 of the main line, to the mines of the Archibald Coal and Mining Company, a distance of 1.64 miles. This map was approved by the Department November 17, 1900, subject to the provisions of the acts of February 18, 1888 (25 Stats., 35), February 13, 1889 (25 Stats., 668), August 24, 1894 (28 Stats., 502), and April 24, 1896 (29 Stats., 98). The company tendered in payment for the right of way of this branch line a voucher in the sum of \$82, but the Choctaw Nation, by act of its general council, dissented from the statutory provision of \$50 per mile as provided in the act of February 18, 1888, and the voucher was not accepted. It is proposed to take this matter up again when the Choctaw council shall have convened, with the purpose of effecting a settlement otherwise than by the appointment of referees, as provided in the act of February 18, 1888.

January 17, 1901, the office transmitted for Departmental action maps of definite location, showing the survey of the extension of the Choctaw, Oklahoma and Gulf Railroad Company's line of road in the Territory of Oklahoma, being sectional maps Nos. 14 and 15, and extending from a point in the NW.  $\frac{1}{4}$  of sec. 27, T. 11 N., R. 21 W., a distance of 46.19 miles. These maps were approved by the Department January 19, 1901, subject to the provisions of the foregoing acts of Congress approving the map of the Archibald spur and, in addition, the act of March 28, 1900 (31 Stats., 52). The agent of the Cheyenne and Arapaho Agency was designated to act on behalf of the Indian allottees suffering damage by reason of this survey, and instructions were issued to him March 11, 1901.

February 9, 1901, there was transmitted to the Department a map designated "Substitute map for amended map showing the additional station grounds at South McAlester." This substitute map was made necessary because the lines of the former amended map did not harmonize with the lines of the map of the town site of South McAlester as prepared by the town-site commission. The substitute map was approved by the Department February 14. August 2, 1901, the company submitted maps showing the station grounds at Washita, Okla., located in secs. 12 and 13, T. 12 N., R. 17 W., and between stations 854

and 884 of the company's survey, as represented on sectional map No. 14. The map was submitted to the Department for appropriate action August 9, 1901, and returned approved August 26, in like manner as sectional maps Nos. 14 and 15.

**Denison and Northern Railway Company.**—March 10, 1899, the Department extended the time for the completion of this line of road through the Choctaw and Chickasaw nations for two years from March 29, 1899, under the act of July 30, 1892 (27 Stats., 336), such extension being granted under the act of March 2, 1899. The maps of definite location of sections 1 and 2 of the main line of the road were approved by the Department May 4, 1895, and the maps of sections 1 and 2 of the northwestern branch line were approved May 25, 1895. November 24, 1900, the Department approved maps of definite location of sections 3 and 4 of the main line. The line of survey, as shown on maps of sections 3 and 4, is coincident with the line of survey shown upon the maps of definite location of the Western Oklahoma Railroad Company. The Denison and Northern Railway Company, by William J. Scott, president, protested against the granting of permission to survey to the Western Oklahoma Railroad Company, and was given a hearing January 11, 1901, before the Secretary of the Interior. Further action relative to the protest will appear under the head of Western Oklahoma Railroad Company, page 111.

**Fort Smith and Western Railroad Company.**—As stated in the last annual report, this company was granted right of way, by act of March 3, 1899 (30 Stats., 1368), for railway, telegraph, and telephone lines through the Choctaw and Creek nations. June 8, 1900, the Department approved the company's maps of definite location from a point on the eastern boundary of the Choctaw Nation, near Fort Smith, Ark., extending thence westerly to a crossing of the Missouri, Kansas and Texas Railroad, in sec. 14, T. 7 N., R. 15 E., a distance of 80.49 miles. June 14, 1900, the Department designated Special Agent E. B. Reynolds to act on behalf of the individual occupants of land in the Choctaw Nation in negotiating amicable settlement with the company for right of way through their holdings. Special Agent Reynolds was taken from this work to attend to other duties in connection with the Indian service, and was not returned until November, 1900. His report was submitted to this office January 24, 1901, with schedule showing awards of damages to individual occupants for the value of the land included within the right of way. June 8, 1901, George Hayden, the president of the company, dissented from the award as prepared by Agent Reynolds. The schedule, together with the railroad company's dissent, was transmitted to the Department June 14, 1901, and on June 18 was returned to this office disapproved, and Special Agent Samuel L. Taggart was designated to reappraise the damages along the entire line of railroad.

May 6, 1901, George Hayden, president, transmitted maps of definite location, showing the line of survey of the 57 miles through the Creek Nation, commencing at a point on the Canadian River and extending northwesterly to the western boundary of the Creek Nation. These maps were transmitted to the Department June 14, 1901, and on June 18 were returned to this office approved, and Special Agent Taggart was designated to assess damages. Special Agent Taggart immediately upon reaching the field of his labors advised the office that the railroad company contemplated revising the survey of its line from a connection with the Kansas City Southern Railroad to a point 20 miles westerly therefrom, and he was instructed to assess the damages on the amended line of survey, as shown upon a map furnished him by the chief engineer of the company.

July 22 Special Agent Taggart forwarded to this office schedules of damages on the 20-mile section between the Kansas City Southern Railroad and Baums, as amended by subsequent survey, and August 7 the company submitted to this office amended map of definite location for this 20-mile section, together with a copy of a resolution of the board of directors of the company relinquishing so much of the original line of survey as was amended by the amended map. The map of amended definite location corresponded with the map furnished by the engineer of the company to Special Agent Taggart, and his report and the amended map were accordingly submitted to the Department August 14, 1901, and were approved August 16.

The special agent's report showed that amicable settlement could not be effected between the railroad company and six individual occupants along the line of route, and referees will have to be appointed, as provided by section 3 of the act under which the original right of way was acquired. The schedule of awards to individual occupants accepting settlement with the railroad company was approved by the Department August 16, 1901, and the office was directed to collect the amount shown thereon to be due such occupants. The office is advised that the remainder of the original location from the Arkansas-Indian Territory line to the crossing of the Missouri, Kansas and Texas Railway has been amended and that maps showing the same will be filed at an early date.

**Gainesville, McAlester and St. Louis Railway Company.**—This company was authorized to construct, operate, and maintain a line of railroad by act of March 1, 1893 (27 Stats., 524), along the following route: Beginning at a point to be selected by the company on Red River north of the east part of Cook County, Texas, or the west part of Grayson County, in that State, and running thence in a northeast direction, by the most practicable route, through the Indian Territory, to a point on the western boundary of the State of Arkansas. Section 9 of this act provides that the company shall build at least

100 miles of its railway in the Indian Territory within three months after the passage of the act. Section 1 of the act of March 4, 1896 (29 Stats., 44), amends the act of March 1, 1893, extending for a period of three years the provisions of section 9, and section 4 of the act of 1896, provides that a map of definite location, showing the entire route of the road through the Indian Territory, shall be filed and approved by the Secretary of the Interior before any part of the road shall be constructed. By act of July 7, 1898 (30 Stats., 715), the previous acts were amended as follows:

That the Gainesville, McAlester and St. Louis Railway Company shall have the right to begin the construction of its line of road as soon as a map of definite location of the route of said road from Red River through the Indian Territory to or near South McAlester is filed with the Secretary of the Interior and approved by him: *Provided*, That a map of definite location of said road from South McAlester to Fort Smith shall be filed and approved before construction work shall be begun between South McAlester and Fort Smith.

By act of February 25, 1899 (30 Stats., 891), the provisions of section 9 of the act of 1893 were extended for a further period of three years from and after the passage of the act. The company has therefore until February 25, 1902, to build at least 100 miles of its road.

March 7, 1901, the office transmitted to the Department maps of definite location showing the survey from a point on Red River to South McAlester, in the Choctaw Nation, Ind. T., and March 18, 1901, they were returned approved, subject to the provisions of the several acts of Congress hereinbefore mentioned.

Section 5 of the act of March 1, 1893, provides that the general council of either of the nations or tribes through whose lands the railway may be located may within four months after the filing of maps of definite location dissent from the allowance of \$50 per mile for right of way. Accordingly Principal Chief Dukes, of the Choctaw Nation, and Governor Johnston, of the Chickasaw Nation, by office letter of March 28, 1901, were advised of the rights of those nations under that section, and April 23 Governor Dukes notified this office that the Choctaw Nation dissented from the statutory provision of \$50 per mile for right of way. Of this the railway company was duly informed by this office May 3.

**Jamestown and Northern Railway.**—This road is constructed through the Devils Lake Reservation, N. Dak., and has been in operation since the spring of 1885, but owing to the lack of necessary legislation the Indians have not been paid for the right of way through their lands, although the railroad company has expressed its willingness to make compensation to the Indians, as will appear from office report to the Department dated December 11, 1884, printed with accompanying papers containing the negotiations with the Indians in House Executive Document No. 31, Forty-eighth Congress, second

session. With this report there was submitted a draft of the legislation thought necessary for the carrying out of the agreement between the company and the Indians. Since then bills at different times have been introduced in Congress granting the Jamestown and Northern Railway Company a right of way through the Devils Lake Reservation, but none of these reached final action until the one approved March 3, 1901 (31 Stats., 1447). This act embodies all the legislation thought necessary, and is an exact copy (excepting where "State of North Dakota" is used instead of "Territory of Dakota") of the draft of the bill accompanying office report of December 11, 1884.

The matter will be taken up with the company at an early date, with a view to a speedy settlement, as per memorandum of agreement referred to in the act and on file with the Department.

**Kansas City, Mexico and Orient Railway Company.**—December 20, 1900, Messrs. Trimble & Braley, of Kansas City, Mo., acting as attorneys, submitted the application of that company for permission to survey and locate a line of road and telegraph through Indian lands in the Territory of Oklahoma. This company was organized under the laws of the State of Kansas, and its charter describes the purposes for which it is formed, as follows: To construct and operate a line or lines of railroad and telegraph lines from some point in or near Kansas City, Kans., thence by the most practicable route through certain counties in the State of Kansas to the boundary line between that State and the Territory of Oklahoma, thence in a general southerly direction through said Territory or the Indian Territory and the State of Texas, thence in a general southwesterly direction through the States of Chihuahua, Sinaloa, or Sonora, in the Republic of Mexico, to the waters of the Gulf of California or Pacific Ocean. The application was made under the act of March 2, 1899, and the papers accompanying the same were in conformity with the regulations prescribed under that act. January 4, 1901, the Department approved the application of the company and authorized it to survey and locate a line of railroad through Indian lands in the Territory of Oklahoma, more particularly described in its application on file in this office.

July 2, 1901, the Department referred to this office a communication from the company transmitting maps of definite location showing the line of survey of its road through the Kiowa, Comanche, and Apache Reservation. This office recommended the approval of the maps July 13, and on July 22 the Department returned them approved, subject to the provisions of the act of March 2, 1899, and directed that the maps and papers be filed with the Commissioner of the General Land Office, inasmuch as no Indian allotments in the reservation were affected by the line of survey. They were accordingly transmitted to the General Land Office.

**Kansas City, Fort Scott and Memphis Railway Company.**—April 15, 1901, Messrs. Britton & Gray, attorneys, submitted a map of definite location showing the survey of a line of railroad made by this company from a point at or near the town of Miami, in the Peoria and Miami Reservation, in the NE.  $\frac{1}{4}$  of sec. 31, T. 28 N., R. 23 E., to a point on the St. Louis and San Francisco Railroad at or near the town of Afton, in the Cherokee Nation, in sec. 33, T. 26 N., R. 22 E., a distance of 13.12 miles. Accompanying it was a deed from the Arkansas Northwestern Railway Company, dated February 11, 1898, assigning and transferring to the Gulf, Arkansas and Northwestern Railroad Company all the rights, privileges, and franchises held by it by virtue of the laws of the State of Arkansas, and also all the privileges, franchises, etc., vested in that company by act of Congress, which became a law without Presidential approval April 6, 1896 (29 Stats., 87); also a deed from the Gulf, Arkansas and Northwestern Railroad Company conveying to the Kansas City, Fort Scott and Memphis Railway Company all of its rights, property, and franchises, including the right of way acquired by it under said act of Congress; also an instrument of relinquishment from the Kansas City, Fort Scott and Memphis Railway Company to the United States, relinquishing to the United States all rights, powers, authorities, and franchises, as well as all of the right of way which it had acquired by the above-named conveyances, except the right of way between Miami and Afton. The maps and papers were transmitted to the Department April 22, 1901, and on April 24 the map of definite location was returned approved, subject to the provisions of the act of April 6, 1896.

Accompanying the application and map of definite location were certain instruments purporting to evidence amicable settlement with individual occupants along the line of the surveyed road. June 15, 1901, the Department, upon the recommendation of this office, directed that Agent Shoenfelt, at Union Agency, be instructed to investigate the matter of compensation made by the company to the occupants named in the several instruments. The report of the agent has not yet reached this office.

**Kiowa, Chickasha and Fort Smith Railway Company.**—As stated in the last annual report, the Department, on December 26, 1899, approved maps of definite location showing the line of survey made by this company, commencing at a point on the Chicago, Rock Island and Pacific Railway near Chickasha, Chickasaw Nation, Ind. T., and extending in a general southeasterly direction a distance of 40 miles; also four plats of station grounds along the surveyed line. June 22, 1900, the Department accepted and approved relinquishments by this company to the United States and the Choctaw and Chickasaw nations of so much of the survey and right of way of its original line of railroad as was shown on the maps of definite location approved December 26, 1899, between

a point in sec. 27, T. 7 N., R. 7 W., and the west line of sec. 10, T. 4 N., R. 4 W., I. M., all in the Chickasaw Nation.

January 25, 1901, the office transmitted to the Department maps of definite location filed by the attorneys of this company showing the line of survey from the point where the line as relinquished terminated, near Erin Springs, in sec. 10, T. 4 N., R. 4 W., to a point near Pauls Valley, in the NE.  $\frac{1}{4}$  of sec. 17, T. 3 N., R. 1 E., with the recommendation that the company be required to relinquish the remaining portion of the original survey, between the west line of said sec. 10, in T. 4 N., R. 4 W., and Pauls Valley, Indian Territory. The Department concurred and the attorneys for the company were advised accordingly February 4, 1901. March 15, 1901, this office transmitted to the Department a resolution of the board of directors of the company relinquishing this last-mentioned portion of the original right of way and resubmitted the map of definite location showing the new survey from Erin Springs to Pauls Valley. March 20, the Department accepted the relinquishment and approved, under the provisions of the act of March 2, 1899, the map of definite location, designating Inspector Cyrus Beede to appraise the damages arising by reason of the location of the new line of road.

July 29 Inspector Beede filed his report, together with schedules of damages assessed in favor of the Choctaw and Chickasaw tribes and individual occupants along the line of the road. The schedule of tribal damages showed an award of \$6,849.78 and the schedule of damages to individual occupants showed that settlements had been effected by the railroad company with all except five, compensation to whom will have to be determined by referees appointed under the provisions of the act of March 2, 1899. The matter of the appointment of referees was submitted to the Department August 26, last.

August 7, 1901, the Atchison, Topeka and Santa Fe Railway Company, by E. Wilder, secretary and treasurer, tendered New York exchange in the sum of \$6,849.78 in payment for right-of-way damages over Chickasaw tribal lands, which draft was forwarded to the Department August 23.

**Missouri, Kansas and Texas Railway Company.**—This company, since the date of the last annual report, has filed applications for permission to locate and survey extensions of its branch lines of road, which were approved as follows: April 13, 1901, the Department approved the application for permission to survey an extension to the Krebs branch, and May 13, 1901, it approved the application for permission to make survey for an extension of the Edwards branch. The maps showing the survey of these extensions have not as yet been submitted to this office.

**Muskogee and Western Railway Company.**—April 29, 1901, this company submitted an application for permission to survey and locate

a line of road through the Cherokee and Creek nations and certain counties in Oklahoma Territory, commencing at a point at or near Fort Gibson, Cherokee Nation, Ind. T., and extending thence westerly and northwesterly to the west line of the Creek Nation, Ind. T., and through the counties of Lincoln, Logan, Kingfisher, Canadian, Oklahoma, and Pottawatomie, in the Territory of Oklahoma. May 3 and May 6, 1901, respectively, the Department authorized the company to make survey through the Cherokee and Creek nations and through the counties named in the Territory of Oklahoma. June 12, 1901, there was filed in this office a map of definite location, designating the first section, and showing the line of survey from Fort Gibson, Cherokee Nation, to Muskogee, Creek Nation; and July 16 there were filed maps of definite location, showing the line of survey of the second and third sections, extending from Muskogee northwesterly a distance of 27.40 miles. July 25 the Department returned to this office, approved under the act of March 2, 1899, the maps of definite location of sections 1, 2, and 3, and designated Inspector Beede to appraise the damages arising from the location of the line of road. Instructions have been prepared by this office and approved by the Department relative to the assessment of damages, but owing to the great amount of work of this nature now being done by the agents of the Department Inspector Beede has not yet been detailed to this particular work.

**Minnesota and Manitoba Railroad Company.**—This company was authorized by act of April 17, 1900 (31 Stats., 134), to acquire right of way for a railroad and for telegraph and telephone lines through the ceded lands of what was formerly the Red Lake Reservation, commencing at a point at or near the terminus of the Manitoba and Southeastern Railway on the boundary line between the State of Minnesota and the Province of Manitoba, thence in a southeasterly direction to a point on Rainy River, forming the northeastern boundary of Minnesota, at or near the mouth of the Baudette River. The company is also authorized by the act to take grounds adjacent to its right of way for station purposes, 300 feet in width and 3,000 feet in length, to the extent of one station for each 10 miles of road, except at the crossing of Rainy River, at which point it is authorized to take not exceeding 40 acres, in addition to the grounds allowed for station purposes, for the corresponding section of 10 miles.

December 5, 1900, the Department approved two maps of definite location showing the surveyed line of road through the Red Lake Reservation and one plat of station grounds, but owing to the severity of the winters in this latitude the Department did not designate an agent to appraise the damages occasioned by the survey of the line of road until April 10, 1901, on which date Special Agent Eugene MacComas was instructed to assess the damages. May 31 he submitted



schedule of damages, which was transmitted to the Department June 7 and approved June 11, and this office was directed to collect from the company the \$1,458.26 due. June 27, 1901, Hector Baxter, the president of the company, tendered a draft in the sum of \$1,458.26 in payment for right-of-way damages, which was accepted by the Department July 11, 1901, and this office was directed to collect and pay the same to the Chippewa Indians of Minnesota. The schedule of damages to individual occupants, prepared by Special Agent MacComas, showed that the railroad company had effected amicable settlement with each and had made payment of the amount awarded.

**Oregon Railway and Navigation Company.**—October 13, 1900, this office transmitted to the Department the application of this company for permission to readjust its line of survey through certain Indian lands in the State of Oregon under the act of March 2, 1899, and October 23, 1900, it was held by the Department that a railroad company may readjust its line of road through Indian lands under the provisions of this act. February 18, 1901, there were forwarded to the Department maps and other papers showing the amended location of this line of road along the south bank of the Columbia River, State of Oregon, through the Indian homestead of Jack Coon and Charles Coon, deceased. The map was returned, however, unapproved by the Department, February 27, with the information that the company should submit further evidence as to the necessity for a right of way exceeding 100 feet in width, as shown on its amended map. The map of amended location, accompanied by the affidavit required by the Department, was resubmitted by this office March 28, 1901, and on April 9, the map was returned by the Department approved, subject to the provisions of the act of March 2, 1899. School Supervisor Conser was designated to act on behalf of the Indian allottees in the matter of effecting amicable settlement with the railroad company. June 26, 1901, he submitted a report showing settlement effected and accompanied the report with receipts showing payment made by the company to the Indians.

**Oklahoma City and Southeastern Railway Company.**—March 5, 1901, the office transmitted to the Department the application of J. R. Keaton, in behalf of the Oklahoma City and Southeastern Railway Company, for permission to survey and locate a line of road through the Choctaw and Chickasaw nations from a point on Canadian River to Coalgate and thence southeasterly to the Texas line. March 11 the application was approved and authority granted to this company accordingly. No further action has been taken by the company relative to the survey.

**Omaha Northern Railway Company.**—By act of Congress approved March 26, 1898 (30 Stats., 344), the Omaha Northern Railway Company was granted right of way through the Omaha and Winnebago

reservations, Nebr., and December 8, 1898, the Secretary of the Interior approved maps of definite location of the line of road through those reservations. March 7 and March 10, 1899, the President and Secretary of the Interior, respectively, approved the proceedings of the Omaha and Winnebago Indians consenting to the construction of the road through the reservations and through the allotted tracts.

It is provided in section 2 of the act of March 26, 1898, "that said railway shall be constructed through said reservation within three years after the passage of this act or the rights herein granted shall be forfeited as to the portion of the road not constructed." February 15, 1901, this office, reporting on Senate bill 4880, extending the time within which this company may construct its line of road, recommended that the bill become a law. This bill failed to pass, however, and by statutory limitation the company forfeited its right to construct a line of road through the reservation.

March 26, 1901, the company, by E. B. Reynolds, chief engineer, filed in this office maps of definite location and maps of station grounds for approval by the Secretary of the Interior, under the act of March 2, 1899, showing the survey of a line of road identical with the survey made by the company under the act of March 26, 1898. April 12, 1901, the company was notified that a full compliance with the regulations prescribed under the act of March 2, 1899, with respect to the serving of a copy of the map of definite location upon the Indian tribes and the several Indian allottees must be made. Service of copies of the map of definite location was subsequently made by the company upon the allottees and the Omaha and Winnebago tribes, which, together with the maps of definite location and station grounds, were resubmitted to the Department April 26, 1901. May 1 the Department returned approved the maps of definite location and station grounds and accepted certain instruments purporting to quitclaim the rights of the Indian allottees to the railroad company of the right of way through their respective holdings as receipts evidencing the payment by the railroad company to the allottees named of the amounts as shown therein. Inasmuch as it was shown that the company had paid as tribal damages the sum of \$320.25 for right of way acquired under the act of March 26, 1898, the Department accepted that payment as full compensation for tribal damages.

**Oklahoma City and Western Railway Company.**—January 10 and January 11, 1900, the Department approved maps of definite location showing the line of survey made by this company through Canadian and Oklahoma counties, in Oklahoma; the Kiowa, Comanche, and Apache Reservation, Okla., and the Chickasaw Nation, Ind. T. February 18, 1901, the Department transmitted to this office the application of this company for an extension of time in which to construct and complete its line from Oklahoma City to Acme, Tex., with

the information that the application was denied, since, by the act of March 2, 1899, under which the company secured permission to survey and locate its line of road, such an extension of time is authorized only where a part of the road shall have been built, and in the case of this road no part of the line had been built. The office was directed to notify the company of this action, which it did February 23.

May 1, 1901, the president of the company submitted for reapproval maps of definite location showing the survey of a line identical with that shown on the maps approved January 10 and January 11, 1900. May 9, 1901, the Department reapproved the map of definite location showing the survey through the Chickasaw Nation, Ind. T., and the counties of Canadian and Oklahoma, in Oklahoma, and on June 6, 1901, reapproved the maps of definite location showing the line of survey through the Kiowa, Comanche, and Apache Reservation, in Oklahoma, under act of March 2, 1899.

Acting Agent Randlett, of the Kiowa, etc., Agency, was designated to assess the damages suffered by Indian allottees in the Kiowa, etc., Reservation; Agent Patrick, of the Sauk and Fox Agency, to assess damages suffered by Indian allottees in Canadian and Oklahoma counties, Okla. August 5, 1901, the Department referred to this office a communication from the president of the company inclosing a draft for \$4,109.35, tendered in payment for right of way through the Kiowa, Comanche, and Apache Reservation; this was at the rate of \$50 per mile for the entire length of the line through the reservation. The office, reporting thereon August 13, submitted the matter for the action of the Department as to whether or not the company should be required to pay for right of way through the lands of the Kiowa, Comanche, and Apache Reservation other than those allotted to Indians.

August 6, 1901, the Department referred to this office a communication from the president of the company, inclosing a draft for \$1,471, tendered in payment for right of way through the Chickasaw Nation. The office, reporting thereon August 14, recommended, inasmuch as the assessment had not yet been made for the right of way through the Chickasaw Nation under the act of March 2, 1899, that the draft be returned to the company. The appraisement of the damages through the Chickasaw Nation will be made so soon as an agent of the Department can be detailed to the work.

**Ozark and Cherokee Central Railway Company.**—This company, formerly the North Arkansas and Western Railroad Company, was authorized by the Department, July 2, 1900, to survey and locate a line of road commencing on the eastern line of the Indian Territory in T. 13 N., R. 33 W., fifth principal meridian, and extending thence in a general westerly direction to a point on the Missouri, Kansas and Oklahoma Railway between a point just north of Wagoner, Ind. T., and a

point just south of Muskogee, Ind. T., under the act of March 2, 1899. The Department, on May 10, 1901, accepted the resolution of the board of directors of the North Arkansas and Western Railroad Company changing its name to the Ozark and Cherokee Central Railway Company and approved the application of the latter company for an amendment to the authority granted July 2, 1900, so that the line of road shall enter the Indian Territory in T. 15 N., instead of 13 N., R. 33 W., fifth principal meridian.

June 26, 1901, the Department approved maps of definite location showing the survey of the first section of 20 miles west from the Arkansas line, and July 23 designated Special Agent Reynolds to appraise the damages for the right of way. August 16, 1901, the Department approved the maps of definite location of the second 20-mile section westerly from the Arkansas State line and directed that Special Agent Reynolds be directed to make the appraisement in accordance with instructions given him relative to the first 20-mile section. September 3, 1901, this office transmitted to the Department maps of definite location showing the survey of the third section, a distance of 22.62 miles, to a connection with the Missouri, Kansas and Texas Railroad at Muskogee, Ind. T. Special Agent Reynolds is, at the date of this report, engaged in the assessment of damages for the right of way of the second section.

**Poteau Valley Railway Company.**—The office transmitted to the Department November 9, 1900, a report on a communication from the attorneys of this railroad making application to locate and survey a line of road in the Choctaw Nation. November 12, 1900, the Department declined to grant authority for the survey, for the reason that the line of road described in the application paralleled the Kansas City Southern Railway Company's line. The latter company was given thirty days within which to make a showing of facts.

April 29, 1901, the company renewed its application for permission to survey and locate a line extending 7.34 miles westerly from Shady Point on the line of the Kansas City Southern Railway Company and accompanied its application with map of definite location. It was represented that the company had acquired a line of road constructed and operated by the Choctaw Coal and Mining Company and used by that company for the transportation of coal from its coal mines to a connection with the Kansas City Southern Railroad. May 6, 1901, the Department approved the map of definite location and also a map of station grounds near Sutter, Choctaw Nation, Ind. T., under the act of March 2, 1899, and designated Inspector Cyrus Beede to appraise the damages suffered by the Choctaw Nation and individual occupants along the line of road.

June 25, Inspector Beede submitted schedules of damages showing an award in favor of the Choctaw Nation in the sum of \$927.94, and awards in favor of individual occupants amounting to \$191.63. These

schedules were approved by the Department July 11, and the office was directed to make collection of the amounts shown thereon to be due. The company was requested July 19, to remit the amount due the Choctaw Nation and to submit receipts showing the payment made to the individual occupants of the amount awarded each. August 12, David H. Hayes, the president of the company, replied, protesting against the assessment of tribal damages, claiming that they are excessive and requesting a reappraisal. August 22, the company was advised that the act of March 2, 1899, does not provide for a reappraisal and that the amount appraised by Inspector Beede was thought to be a fair and reasonable compensation and that the company should make payment of that amount before the right of way would become effective.

**Republic and Grand Forks Railroad Company.**—This company was granted permission by the Department March 18, 1901, to survey and locate a line of railroad across Indian allotments in the north half of the Colville Indian Reservation, Wash., from the town of Republic northerly to the international boundary line, conditioned that the company would file a bond in the sum of \$5,000 to guarantee the construction by the company of its line of road within one year. A debenture bond in the sum of \$5,000 was submitted to this office and transmitted to the Department March 25. The bond was accepted and returned to this office March 28. The incorporators of the company acquired by purchase all the rights and property of the Republic and Kettle River Railway Company, but by resolution of the board of directors of the Republic and Grand Forks Company all rights to make the survey acquired by authority of the Department March 18, 1901, were relinquished and waived. (See Republic and Kettle River Railway Company for further action.)

**Republic and Kettle River Railway Company.**—This company was granted authority by the Secretary of the Interior on May 8, 1900, to locate and survey a line of road through the north half of the Colville Reservation, Wash., and April 23, 1901, maps of definite location showing the survey of a line of road from the town of Republic northerly to the international boundary line were approved by the Department under the act of March 2, 1899.

April 29, 1901, Charles G. Hoyt, of the Crow-Flathead Commission, was designated by the Department to assess the damages suffered by Indian allottees. June 11 he submitted a schedule of damages assessed by him in favor of Indian allottees for right of way along the original line of survey, and also a schedule of damages assessed along an amended line of survey. July 3, 1901, W. C. Morris, counsel for the Republic and Kettle River Railway Company, filed an application for approval of an amended map of definite location and maps of the San Poil and Eureka branches. The schedules of damages and the

maps of amended definite location were transmitted to the Department July 10. July 13 the Department approved the schedules and the amended map of definite location in so far as it affects Indian allotments and amends the original survey from the international boundary line to the north end of Curlew Lake. July 15, 1901, T. P. Coffee, vice-president of the company, inclosed exchange for \$5,548.05 in payment of damages to Indian allotments, and the Department on the same day directed this office to make payment to the several Indian allottees through Agent Anderson, of the Colville Agency. The draft was accordingly forwarded to him for that purpose on the 30th of last July.

July 9, 1901, W. C. Morris, counsel for the company, transmitted affidavits relative to the unlawful survey being made by the Washington and Great Northern Railway Company across Indian allotments in the north half of the Colville Reservation along a line adjacent to the right of way of the Republic and Kettle River Railway. Agent Anderson, of the Colville Agency, was directed by this office not to permit the Washington and Great Northern Railway Company to make unauthorized surveys across Indian allotments.

August 16, 1901, the Department referred to this office a telegram from W. C. Morris protesting against the encroachments by the Washington and Great Northern Railway Company, stating that the latter company was constructing its line of road over the line surveyed by the Republic and Kettle River Railway Company. August 19 and August 29 Agent Anderson was given specific directions to cause the construction work by the Washington and Great Northern Company to be stopped.

**Seattle-Tacoma Interurban Railway Company.**—This company is the successor in interest of the Seattle-Tacoma Railway Company, which company, on May 2, 1900, had approved maps of definite location showing its line of survey across the Puyallup Reservation in the State of Washington. It appears that the Seattle-Tacoma Interurban Railway Company desired to extend its line along another route than that surveyed by the Seattle-Tacoma Railway Company. March 2, 1901, the office transmitted to the Department an application filed by Messrs. Carlisle & Johnson, attorneys for the Seattle-Tacoma Interurban Railway Company, for permission to survey and locate a line of road across the Puyallup Reservation along a route southerly from the one surveyed by the former company. March 18 the Department approved the application and authorized the company to make survey, imposing a condition that it furnish the relinquishment of the Seattle-Tacoma Railway Company to the right of way shown on the maps approved May 2, 1900.

April 29, 1901, the Department approved maps of definite location showing the line of survey and located route of the Seattle-Tacoma Interurban Railway Company, subject to the provisions of the act of

March 2, 1899, and accepted the relinquishment filed by the Seattle-Tacoma Railway Company. Commissioner McIntyre, of the Crow-Flathead Commission, was designated to assess the damages suffered by the Puyallup Indians, tribal and individual, by reason of the location of the Seattle-Tacoma Interurban Railway line.

Owing to illness, Mr. McIntyre was unable to proceed with the work, and it was assigned to Commissioner James H. McNeely, of the Crow-Flathead Commission. Upon request of the company, the Department, on July 12, appointed as referees to determine the compensation to be made certain minor heirs and absent Indian allottees O. B. Hayden, L. E. Sampson, and J. A. Wintermute, all of Tacoma, Wash. Commissioner McNeely's report of July 21, with schedules of damages, and the report of the referees were transmitted to the Department August 2, and were approved the same day. The schedules show a total award of \$7,773.65. This amount was turned over by the railroad company to Superintendent Terry, of the Puyallup Consolidated Agency, and August 9, under Department instructions of August 2, he was directed to pay to the several parties in interest the amounts awarded each, except in the cases of four allotments whose ownership has not been determined by the Department. The matter is now in process of adjustment.

**Shawnee, Red Fork Coal and Railway Company.**—May 23, 1901, N. W. Bliss, attorney for this company, filed in this office an application for permission to survey and locate a line of railway in the Indian Territory commencing at Red Fork, on the St. Louis and San Francisco Railroad, and extending thence southerly and southwesterly to Tecumseh or Shawnee, Okla. It was shown in the application that the company had acquired a line of road partially graded for a distance of 10 miles southerly from the town of Red Rock; also, that the company had acquired certain coal leases in the Creek Nation and proposed to operate them in connection with its railway franchise. The application was accompanied by a map of definite location showing the 10 miles of the line of road represented as being partially graded, which was submitted for approval under the act of March 2, 1899. For the reason that the application and map were not prepared in accordance with the regulations of the Department the papers were returned to the company May 23. July 24, 1901, corrected papers were transmitted to the Department. The Department, August 5, directed that the company be given thirty days to explain how it proposed to hold these coal leases in view of the Department order of July 23, 1901, directing the Indian inspector in the Indian Territory to cancel all permits for mining coal in the Creek Nation. August 9 the company was advised accordingly and given the thirty days' notice. No further action has as yet been taken by the company in the matter.

**Shawnee, Oklahoma and Missouri Coal and Railway Company.**—This company was authorized by the Department November 9, 1899, to locate and survey a line of railroad commencing at Shawnee, Okla., and extending thence northeasterly to the west line of the Indian Territory. November 10, 1899, authority was granted for the company to locate and survey its line of road from the west line of the Indian Territory, at or near the town of Keokuk Falls, Okla., and extending thence northeasterly through the Seminole, Creek, and Cherokee nations, in the Indian Territory, to the east line thereof, near the town of Seneca, Mo. June 2, 1900, the Department granted further authority for the location and survey of an extension of the company's line commencing at a point on the main line at or near the township corner between townships 13 and 14 N., ranges 15 and 16 E., in the Creek Nation, and extending thence southeasterly to the city of Fort Smith, Ark., with the condition that if the maps of definite location of the extension should show that the line of road is located within 10 miles of a line already constructed, or in actual course of construction, the company would be required to show how the public interests would be promoted by the location and construction of such extension before the maps of definite location would be approved.

September 5, 1900, the Department accepted the proofs of service and approved the maps of definite location of sections 1, 3, and 5, and also approved one part of each of sectional maps Nos. 2 and 4. The Department declined to approve the other parts because the certificates attached thereto were incorrect. These maps were returned to the company September 8, 1900, for correction. October 3, 1900, the Department approved corrected maps of sections 2 and 4, being the first and third 20-mile sections in the Indian Territory. May 4, 1901, the office transmitted to the Department map of definite location showing the survey of 14.20 miles of the main line, terminating at Muscogee, Ind. T. These maps were approved by the Department May 9, and Special Agent Reynolds was designated to assess the damages arising by reason of such survey and location. June 7, 1901, H. B. Dexter, president of the company, submitted maps of definite location showing a line of survey from Muscogee to Fort Gibson, in the Creek and Cherokee nations, a distance of 7.96 miles, and July 25, 1901, the maps were approved by the Department. All maps were approved under the act of March 2, 1899.

The schedules of awards of damages submitted by Special Agent Reynolds June 21 show as follows: Tribal damages awarded the Seminole and Creek nations, \$13,423.70; individual damages awarded occupants of the Seminole and Creek nations, \$50; individual damages awarded occupants in the Seminole and Creek nations, to which the occupants dissent, \$62.75; individual damages awarded Potawatomi



and Sauk and Fox allottees in Oklahoma, \$3,616.50; damages awarded Potawatomi and Sauk and Fox allottees, to which the allottees dissent, \$870.

These assessments cover the surveyed line of road from Muskogee westerly, but do not include the line from Muskogee to Fort Gibson. Special Agent Reynolds states that the line of road through the Creek Nation, in every quarter section except 32, passes over lands which have been filed on and to which certificates of allotments have been issued by the Commission to the Five Civilized Tribes, and while the award made by him to the individual allottees or occupants does not include damages for the value of the land included within the right of way, he is of the opinion that these allottees should be awarded damage for the value of the land.

July 20, 1901, the office requested the Commission to the Five Civilized Tribes to report whether the allotments made to the Creek citizens and confirmed by section 6 of the act of March 1, 1901, exclude the right of way of the Shawnee, Oklahoma and Missouri Coal and Railway Company, and also whether or not such right of way has been excluded from the allotments to the Seminole Indians. The commission replied August 17 that the allotments made to the Creeks and Seminoles did not exclude the right of way of the railroad; also, that it has no information that the Shawnee, Oklahoma and Missouri Coal and Railway Company has perfected a title to the land for right of way, depots, or station grounds, and believes that the allottees affected thereby are entitled to compensation and damages as provided by section 3 of the act of March 2, 1899. This matter is receiving further consideration.

**St. Paul, Minneapolis and Manitoba Railway Company.**—September 25, 1901, the office transmitted to the Department five maps of definite location of this road, showing a line of survey extending over and across Indian allotments in the north half of the Colville Indian Reservation, and over Indian lands in the south half of that reservation, in the State of Washington, together with proofs of service of a copy of each of the maps upon United States Indian Agent Anderson of the Colville Agency. September 27, the Department approved the maps of definite location, subject to the provisions of the act of March 2, 1889, and designated Agent Anderson to assess the damages for right of way of the company through tribal or unallotted lands, and also to act with and for the individual occupants and allottees in negotiating amicable settlements with the company for right of way and damages through their individual holdings and allotments. Instructions were given him by office letter dated October 8. No report has been received from him, and the office has no information as to whether or not the company intends to proceed further in the matter.

**Sulphur Springs Railway Company.**—October 11, 1900, authority was granted this company to locate and survey a line of road between Hickory and Davis, Chickasaw Nation, Ind T., via Sulphur Springs, provided the company would relinquish any right it might have acquired by its articles of incorporation in the matter of establishing electric-light plants. November 1, 1900, the office acknowledged receipt of a copy of a resolution of the board of directors of the company waiving any right under its charter to build its road except in accordance with the authority granted October 11, 1900.

February 8, 1901, the office transmitted to the Department maps of definite location along two sections, showing the survey of road from Hickory to Davis, and March 28 the Department returned, approved, under act of March 2, 1899, the map showing the survey of the section from Hickory to Sulphur Springs, and, disapproved, the map showing the survey from Sulphur Springs to Davis. Special Agent Taggart was designated by the Department to appraise the damages arising from the survey and location of the line from Hickory to Sulphur Springs. June 29, 1901, he submitted corrected schedules showing the tribal damages awarded by him for the above-described right of way, which were approved by the Department July 9. The company has been requested to remit the amount shown on the schedule to be due, \$881.46.

**Western Oklahoma Railroad Company.**—Application was filed in this office December 19, 1900, for permission to survey and locate a line of road commencing at a point near Hartshorne, on the Choctaw, Oklahoma and Gulf Railroad, to Ardmore, Ind. T., under the act of March 2, 1899, and accompanying the application were filed maps of definite location of sections 1, 2, and 3, showing the line of survey, commencing at a point near Hartshorne and extending thence southwesterly. January 5, 1901, W. J. Scott, president, in behalf of the Denison and Northern Railway Company, filed a protest in this office against favorable action on the application of the Western Oklahoma Railroad Company. A hearing was held February 4, 1900, in the office of the Secretary of the Interior, the Denison and Northern Railroad being represented by Henry E. Davis, esq., and the Western Oklahoma Railroad by Messrs. C. B. Stuart, J. W. McLoud, and Francis I. Gowen. By direction of the Department all the papers, maps, etc., filed in this office were submitted to the Department February 27, 1901, and March 1 the Department approved the maps of definite location of sections 1, 2, 3, 4, 5, and 6 of the Western Oklahoma Railroad Company, showing the line of survey of the railroad from a point near Hartshorne to Ardmore.

Inspector Cyrus Beede and Special Agent E. B. Reynolds were designated to assess the damages arising by reason of such survey and location, under instructions of this office dated March 9, 1901. Their

joint report of May 20 showed a total award for tribal damages of \$20,157.22 and for individual damages of \$2,505.52. A schedule was also submitted showing the names of individual occupants dissenting from the award of damages and with whom amicable settlement could not be effected by the railroad company, with a description of the lands occupied by each; also certain instruments evidencing the payment by the railroad company to the several individual occupants of the amounts awarded each except in the cases where amicable settlement could not be effected. The schedule of tribal damages and schedule of individual damages for which settlement was effected were approved by the Department July 9, 1901, and the office was directed to collect the amount for tribal damages and to pay the same to the Choctaw and Chickasaw nations as their interests might appear. The president of the company, Francis I. Gowen, was requested by this office, July 23, to remit the amount of tribal damages shown to be due the Choctaw and Chickasaw tribes. It has not yet been received.

May 16, 1901, there was filed in this office a map showing the selection of station grounds made by the company at Ardmore, Ind. T. The map was forwarded to the Department May 18, and was returned to this office, approved, May 21, and Inspector Cyrus Beede was designated to assess the damages arising from the selection. The inspector appraised the damages in the sum of \$313.25, and on July 11 the office was directed to collect that amount from the railroad company, which amount was remitted by voucher July 19.

June 28, 1901, maps showing selections of station grounds at the following-named points were filed in this office: Wild Horse, Kiowa, North Fork, Coalgate, Windy Hill, Blue, and Russet, and on July 3 map of station grounds selected at Wapanucka. The maps were transmitted to the Department July 11 and returned to this office approved July 17. Agent Shoenfelt, of the Union Agency, was designated to appraise the damages arising from the location of these station grounds. August 2, 1901, there were filed in this office maps showing the selection of station grounds at Tishomingo and Mansville. The map of station grounds at Mansville was approved by the Department August 9. The map showing the grounds at Tishomingo was returned to the company August 7 for correction.

**Watonga and Northwestern Railroad Company.**—Application was filed in this office February 21, 1901, by C. E. Ingersoll, president, for permission to survey and locate a line of road extending from a connection with the Choctaw, Oklahoma and Gulf Railroad near Geary, Okla., northerly to a point near Watonga, Okla.; it was accompanied by maps of definite location designated sections 1 and 2, showing the survey of the line. The maps were returned to this office by the Department, with instructions that the Choctaw, Oklahoma and Gulf Railroad Company be required to relinquish any rights it might have acquired by

reason of making a survey along a similar route. This relinquishment was filed April 5. All the papers were transmitted to the Department April 13, and on April 16 the Department approved the application and the maps of definite location. Accompanying the maps were instruments executed by Indian allottees purporting to convey to the Watonga and Northwestern Railroad Company a right of way through their respective allotments. These instruments were accepted by the Department as receipts evidencing the payment by the railroad company to the Indian allottees of the amounts named therein.

**Washington and Great Northern Railway Company.**—July 5, 1901, Thomas R. Benton, attorney for this company, filed in this office an application for permission to survey and locate a line of road through Indian allotments in the north half of the Colville Indian Reservation, Wash. The application was transmitted to the Department July 10, and July 13 the request of the company was granted. July 18 the office notified the company, through its attorney, that authority had been granted by the Department for it to survey and locate a line of road along the route described in its application, but that such authority did not permit any construction work to be undertaken until after maps of definite location should have been approved. Agent Anderson, of the Colville Agency, had telegraphed the office July 15 for information relative to the rights of the company in the matter of the construction of a road through Indian lands, and July 22 he telegraphed that the company had commenced construction upon certain Indian lands. The agent was instructed by telegraph July 29 and July 31 that no construction work should be permitted, and he was directed to stop any such work then being undertaken by the company. August 13, 1901, the company, through its attorney, filed in this office maps of definite location showing the survey of its lines of route, as follows:

1. From a point on the located line of said company's road on the west line of sec. 20, T. 38 N., R. 37 E., which point is 17.14 miles southerly from the intersection of said road with the international boundary line, to a point on the northerly bank of Columbia River in lot 12, sec. 26, T. 37 N., R. 37 E., Willamette meridian, a distance of 26.71 miles from the international boundary line, and a distance of 9.57 miles from the point of beginning above named.

2. From a point on the international boundary line, which point is 1,340 feet east from the center of Kettle River, to a point on the east line of sec. 36, T. 39 N., R. 33 E., a distance of 14.53 miles.

3. From the point last named to a point in unsurveyed land designated as station "Zero," which point is 3,300 feet south and 4,436 feet west from the southwest corner of sec. 31, T. 37 N., R. 33 E., Willamette meridian, a distance of 16.73 miles.

The routes described in paragraphs 2 and 3 parallel and cross, and in some places are coincident with, the approved line of the Republic and Kettle River Railway Company from the town of Republic northerly to the international boundary line. The latter company has filed in this office a protest against the approval of the map of definite loca-

tion of the Washington and Great Northern Railway Company. The protest and maps will be transmitted to the Department at an early date.

### PIMA INDIANS IN MARICOPA COUNTY, ARIZ.

Last year this office received information that 100 Pima Indians in two villages had resided for twenty-five years on secs. 1 and 12, T. 1 N., R. 4 E., Maricopa County, Ariz., and that outsiders had recently filed upon those lands, which were highly cultivated, and had cut valuable timber. Immediate action was urged to prevent approval of these filings, and thus preserve the rights of the Indians and avoid further destruction of their property.

September 8, 1900, this office recommended that an inspector visit these Indians and ascertain the character and value of their improvements and what were their irrigation facilities and rights. This was done, and the inspector reported that the lands had been occupied by the Indians for more than twenty-seven years, and that they had cultivated from 200 to 400 acres on section 12, and made other improvements.

On recommendation of this office, the General Land Office was directed to cancel the entries made on section 12 and to allow no more filing thereon by white men. When the cancellation of the entries shall have been made, of which this office has not yet been advised, it is proposed by Executive order to withdraw sections 1 and 12 from entry by white people.

### MISSION INDIANS ON WARNER'S RANCH.

The Supreme Court of the United States, in an opinion rendered May 13, 1901, decided adversely to the claim of some Mission Indians to retain occupancy of a tract in southern California known as Warner's ranch or Agua Caliente.

The effect of this decision will be to dispossess about 200 Indians of the lands they claim to have held for generations. Under the auspices of the Attorney-General an agreement was reached with the attorneys for the Downey estate whereby the Indians will be permitted to remain in possession of the lands until the next session of Congress, when, it is hoped, legislation for their relief may be enacted.

As a temporary expedient, all vacant lands in T. 10 S., R. 3 E., San Bernardino meridian, California, were, on June 11, 1901, withdrawn from settlement and entry and set aside for the use of the Indians until such time as Congress may provide the necessary legislation permanently reserving those lands. It has since been ascertained, however, that the vacant lands in that township are practically worthless and that such small areas as are adapted for agriculture will not support more than a few families. It will therefore be necessary for the

Government to provide other lands for the Indians affected by the decision, and, as it is reported that they will go from their former homes practically empty handed and penniless, relief in the way of necessities of life must needs be afforded them. This matter will be made the subject of a special communication.

The titles of the cases are *Allejandro Barker et al.*, plaintiffs in error, *v. J. Downey Harvey*, administrator of the estate of John Downey, deceased, and the Merchants' Exchange Bank of San Francisco (No. 209) and *Jesus Quevas, alias Jesus Cuevo et al.*, plaintiffs in error, *v. Harvey*, administrator (No. 210), the plaintiffs in error being Mission Indians. The cases were reported as follows:

These cases were brought by defendants in error in the superior court of the county of San Diego, Cal., to quiet their title to certain premises in that county. Decrees rendered in their favor were carried to the supreme court of the State and by that court affirmed (126 Cal., 262). To such affirmance these writs of error have been sued out.

The facts in the cases are so nearly alike that it is sufficient to consider only the first. The land in question is within the limits of the territory ceded to the United States by the treaty of Guadalupe Hidalgo, February 2, 1848 (9 Stat., 922). Generally speaking, the plaintiffs claim title by virtue of a patent issued to John J. Warner on January 16, 1880, in confirmation of two grants made by the Mexican Government. On the other hand, the defendants do not claim a fee in the premises, but only a right of permanent occupancy by virtue of the alleged fact that they are Mission Indians (so called) and had been in occupation of the premises long before the Mexican grants, and, of course, before any dominion acquired by this Government over the territory; insisting, further, that the Government of Mexico had always recognized the lawfulness and permanence of their occupancy, and that such right of occupancy was protected by the terms of the treaty and the rules of international law.

The treaty of Guadalupe Hidalgo provided in Article VIII as follows:

ARTICLE VIII. Mexicans now established in territories previously belonging to Mexico and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States, but they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty, and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories the property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

Article X, as originally prepared, was stricken out by the Senate, but in the protocol signed by the representatives of the two nations at the time of the ratification, on May 26, 1848, it was stated:

2d. The American Government, by suppressing the tenth article of the treaty of Guadalupe, did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate (titles) to be acknowledged before the American tribunals.

Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territory are those which were legitimate titles under the Mexican law in California and New Mexico up to the 13th of May, 1846, and in Texas up to the 2d March, 1836. (Ex. Doc. No. 50, H. R., Thirtieth Congress, second session, p. 77.)

After the acquisition of this territory, Congress, on March 3, 1851 (9 Stat., 631), passed an act entitled "An act to ascertain and settle the private land claims in the State of California," which created a commission to receive and act upon all petitions for confirmation of such claims. Its decision was subject to appeal to the district court of the United States and thence to this court. As originally organized the commission was to continue for three years, but that time was extended by subsequent legislation. Sections 8, 13, 15, and 16 are as follows:

SEC. 8. That each and every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican Government shall present the same to the said commissioners when sitting as a board, together with such documentary evidence and testimony of witnesses as the said claimant relies upon in support of such claims; and it shall be the duty of the commissioners, when the case is ready for hearing, to proceed promptly to examine the same upon such evidence and upon the evidence produced in behalf of the United States, and to decide upon the validity of the said claim, and within thirty days after such decision is rendered to certify the same, with the reasons on which it is founded, to the district attorney of the United States in and for the district in which such decision shall be rendered.

SEC. 13. That all lands the claims to which have been finally rejected by the commissioners in the manner herein provided, or which shall be finally decided to be invalid by the district or Supreme Court, and all lands the claims to which shall not have been presented to the said commissioners within two years after the date of this act, shall be deemed, held, and considered as part of the public domain of the United States; and for all claims finally confirmed by the said commissioners or by the said district or Supreme Court a patent shall issue to the claimant upon his presenting to the General Land Office an authentic certificate of such confirmation and a plat or survey of the said land, duly certified and approved by the surveyor-general of California, whose duty it shall be to cause all private claims which shall be finally confirmed to be accurately surveyed, and to furnish plats of the same; and in the location of the said claims the said surveyor-general shall have the same power and authority as are conferred on the registrar of the land office and receiver of the public moneys of Louisiana by the sixth section of the act "to create the office of surveyor of the public lands for the State of Louisiana," approved third March, one thousand eight hundred and thirty-one: *Provided always*, That if the title of the claimant to such lands shall be contested by any other person, it shall and may be lawful for such person to present a petition to the district judge of the United States for the district in which the lands are situated, plainly and distinctly setting forth his title thereto, and praying the said judge to hear and determine the same, a copy of which petition shall be served upon the adverse party thirty days before the time appointed for hearing the same: *And provided further*, That it shall and may be lawful for the district judge of the United States, upon the hearing of such petition, to grant an injunction to restrain the party at whose instance the claim to the said lands has been confirmed from suing out a patent for the same until the title thereto shall have been finally decided, a copy of which order shall be transmitted to the Commissioner of the General Land Office, and thereupon no patent shall issue until such decision shall be made, or until sufficient time shall, in the opinion of the said judge, have been allowed for obtaining the same; and thereafter the said injunction shall be dissolved.

SEC. 15. That the final decrees rendered by the said commissioners, or by the district or Supreme Court of the United States, or any patent to be issued under this act, shall be conclusive between the United States and the said claimants only, and shall not affect the interests of third persons.

SEC. 16. That it shall be the duty of the commissioners herein provided for to ascertain and report to the Secretary of the Interior the tenure by which the mission lands are held, and those held by civilized Indians, and those who are engaged in agriculture or labor of any kind, and also those which are occupied and cultivated by Pueblo or Ranchero Indians.

On the trial before the court, without a jury, the findings of fact were in substance that the plaintiffs had the ownership in fee simple of the premises described; that the defendants had no rights or interest therein, and the decree was in accordance therewith. The statement on appeal, prepared by the trial court, disclosed that the plaintiffs introduced in evidence the patent to John J. Warner, which patent recited the filing of a petition by Warner with the land commission praying for confirmation of his title, a title based on two Mexican grants—one June 8, 1840, to Jose Antonio Pico by Juan B. Alvarado, then constitutional governor of the Californias, and the second, November 28, 1844, to petitioner by Manuel Micheltoarena, governor-general commandant and inspector-general of the Californias; recited also a decree of confirmation of such title, an appeal to the district court of the United States and an affirmance of the decision of the commission, the return of the surveyor-general of the State showing a survey; and conveyed the premises to Warner, "but with

the stipulation that in virtue of the fifteenth section of the said act neither the confirmation of this claim nor this patent shall affect the interests of third persons." It was admitted that Warner's title had passed to plaintiffs and that the taxes had all been paid by them. On the other hand, the appeal statement showed that the defendants offered copies of the expedientes of both of the grants referred to in the patent, and also oral testimony of occupation by the defendants and their ancestors. Some witnesses were introduced by the plaintiffs to contradict this matter of occupancy, but on final consideration the court struck out all the testimony in reference to occupancy and of the Mexican grants upon which the patent was issued. Upon the evidence, therefore, that was received by the trial court there could be no doubt of the rightfulness of the decree, and the question presented by the record to the supreme court of the State was whether there was error in striking out the testimony offered on behalf of the defense.

Mr. Justice Brewer delivered the opinion of the Court.

Undoubtedly by the rules of international law, and in accordance with the provisions of the treaty between the Mexican Government and this country, the United States were bound to respect the rights of private property in the ceded territory. But such obligation is entirely consistent with the right of this Government to provide reasonable means for determining the validity of all titles within the ceded territory, to require all persons having claims to lands to present them for recognition, and to decree that all claims which are not thus presented shall be considered abandoned. "Undoubtedly private rights of property within the ceded territory were not affected by the change of sovereignty and jurisdiction and were entitled to protection, whether the party had the full and absolute ownership of the land or merely an equitable interest therein which required some further act of the Government to vest in him a perfect title. But the duty of providing the mode of securing these rights and of fulfilling the obligations imposed upon the United States by the treaties belonged to the political department of the Government, and Congress might either itself discharge that duty or delegate it to the judicial department. (*De la Croix v. Chamberlain*, 12 Wheat., 599, 601, 602; *Chouteau v. Eckhart*, 2 How., 344, 374; *Tameling v. United States Freehold Co.*, 93 U. S., 647, 661; *Botiller v. Dominguez*, 130 U. S., 238.)" *Astiazaran v. Santa Rita Land and Mining Co.*, 148 U. S., 80, 81.

*Botiller v. Dominguez* (130 U. S., 238), the last case cited in the foregoing quotation, deserves special notice. The supreme court of California had held in several cases that a perfect title need not be presented to the land commission; that it was recognized by the treaty of cession and required no further confirmation; that the act to ascertain and settle private land claims applied only to those titles which were imperfect and needed the action of some tribunal to ascertain and establish their validity. But in this case, which came from the supreme court of California, we held the contrary. We quote at some length from the opinion. Thus, on page 246, it was said:

Two propositions under this statute are presented by counsel in support of the decision of the supreme court of California. The first of these is that the statute itself is invalid, as being in conflict with the provisions of the treaty with Mexico and violating the protection which was guaranteed by it to the property of Mexican citizens, owned by them at the date of the treaty; and also in conflict with the rights of property under the Constitution and laws of the United States, so far as it may affect titles perfected under Mexico. The second proposition is that the statute was not intended to apply to claims which were supported by a complete and perfect title from the Mexican Government, but, on the contrary, only to such as were imperfect, inchoate, and equitable in their character, without being a strict legal title.

With regard to the first of these propositions, it may be said that so far as the act of Congress is in conflict with the treaty with Mexico that is a matter in which the court is bound to follow the statutory enactments of its own Government. If the treaty was violated by this general statute, enacted for the purpose of ascertaining the validity of claims derived from the Mexican Government, it was a matter of international concern, which the two States must determine by treaty, or by such other means as enables one State to enforce upon another the obligations of a treaty. This court, in a class



of cases like the present, has no power to set itself up as the instrumentality for enforcing the provisions of a treaty with a foreign nation which the Government of the United States, as a sovereign power, chooses to disregard. (*The Cherokee Tobacco*, 11 Wall., 616; *Taylor v. Morton*, 2 Curtis, 454; *Head Money Cases*, 112 U. S., 580, 598; *Whitney v. Robertson*, 124 U. S., 190, 195.)

In reference to the second proposition, after noticing several provisions of the statute, it was declared (p. 248):

It is not possible, therefore, from the language of this statute, to infer that there was in the minds of its framers any distinction as to the jurisdiction they were conferring upon this board between claims derived from the Spanish or Mexican Government, which were perfect under the laws of those Governments, and those which were incipient, imperfect, or inchoate. \* \* \* It was equally important to the object which the United States had in the passage of it that claims under perfect grants from the Mexican Government should be established as that imperfect claims should be established or rejected.

The superior force which is attached, in the argument of counsel, to a perfect grant from the Mexican Government had its just influence in the board of commissioners or in the courts to which their decisions could be carried by appeal. If the title was perfect, it would there be decided by a court of competent jurisdiction, holding that the claim thus presented was valid; if it was not, then it was the right and the duty of that court to determine whether it was such a claim as the United States was bound to respect, even though it was not perfect as to all the forms and proceedings under which it was derived. So that the superior value of a perfected Mexican claim had the same influence in a court of justice which is now set up for it in an action where the title is contested.

Nor can it be said that there is anything unjust or oppressive in requiring the owner of a valid claim in that vast wilderness of lands unclaimed, and unjustly claimed, to present his demands to a tribunal possessing all the elements of judicial functions, with a guaranty of judicial proceedings, so that his title could be established if it was found to be valid or rejected if it was invalid.

We are unable to see any injustice, any want of constitutional power, or any violation of the treaty in the means by which the United States undertook to separate the lands in which it held the proprietary interest from those which belonged, either equitably or by a strict legal title, to private persons. Every person owning land or other property is at all times liable to be called into a court of justice to contest his title to it. This may be done by another individual or by the government under which he lives. It is a necessary part of a free government, in which all are equally subject to the laws, that whoever asserts rights or exercises powers over property may be called before the proper tribunals to sustain them.

The views thus expressed have been several times reaffirmed by this court, the latest case being *Florida v. Furman* (180 U. S., 402), in which, after quoting the passage last above quoted, we said, in reference to statutes of the United States respecting claims in Florida (p. 438):

We are of opinion that these acts applied and were intended to apply to all claims, whether perfect or imperfect, in that particular resembling the California act; that the courts were bound to accept their provisions, and that there was no want of constitutional power in prescribing reasonable limitations operating to bar claims if the course pointed out were not pursued.

See also *Thompson v. Los Angeles Farming, etc. Co.*, (180 U. S., 72, 77), in which it was said in reference to the statute before us:

Every question which could arise on the title claimed could come to and receive judgment from this court. The scheme of adjudication was made complete and all the purposes of an act to give repose to titles were accomplished. And it was certainly the purpose of the act of 1851 to give repose to titles. It was enacted not only to fulfill our treaty obligations to individuals, but to settle and define what portion of the acquired territory was public domain. It not only permitted but required all claims to be presented to the board and barred all from future assertion which were not presented within two years after the date of the act. (Sec. 13.) The jurisdiction of the board was necessarily commensurate with the purposes of its creation, and it was a jurisdiction to decide rightly or wrongly. If wrongly a corrective was afforded, as we have said, by an appeal by the claimant or by the United States to the district court.

These rulings go far toward sustaining the decision of the supreme court of California in the present cases. As between the United States and Warner, the patent is as conclusive of the title of the latter as any other patent from the United States is of the title of the grantee named therein. As between the United States and the Indians, their failure to present their claims to the land commission within the time named made the land within the language of the statute "part of the public domain of the United States." "Public domain" is equivalent to "public lands,"

and these words have acquired a settled meaning in the legislation of this country. "The words 'public lands' are habitually used in our legislation to describe such as are subject to sale or other disposal under general laws." (*Newhall v. Sanger*, 92 U. S., 761, 763.) "The grant is of alternate sections of public land, and by public land, as it has been long settled, is meant such land as is open to sale or other disposition under general laws." (*Bardon v. Northern Pacific Railroad Co.*, 145 U. S., 535, 538. See also *Mann v. Tacoma Land Co.* 153 U. S., 273, 284.) So far, therefore, as these Indians are concerned, the land is rightfully to be regarded as part of the public domain and subject to sale and disposal by the Government, and the Government has conveyed to Warner. It is true that the patent, following the fifteenth section of the act, in terms provides that the patent shall not "affect the interests of third persons," but who may take advantage of this stipulation? This question was presented and determined in *Beard v. Federy* (3 Wall, 478), and the court, referring to the effect of a patent, said (pp. 492, 493):

When informed, by the action of its tribunals and officers, that a claim asserted is valid and entitled to recognition, the Government acts, and issues its patent to the claimant. This instrument is, therefore, record evidence of the action of the Government upon the title of the claimant. By it the Government declares that the claim asserted was valid under the laws of Mexico; that it was entitled to recognition and protection by the stipulations of the treaty, and might have been located under the former Government, and is correctly located now, so as to embrace the premises as they are surveyed and described. As against the Government this record, so long as it remains unvacated, is conclusive. \* \* \* The term "third persons," as there used, does not embrace all persons other than the United States and the claimants, but only those who hold superior titles, such as will enable them to resist successfully any action of the Government in disposing of the property.

If these Indians had any claims founded on the action of the Mexican Government they abandoned them by not presenting them to the commission for consideration, and they could not, therefore, in the language just quoted, "resist successfully any action of the Government in disposing of the property." If it be said that the Indians do not claim the fee, but only the right of occupation, and, therefore, they do not come within the provision of section 8 as persons "claiming lands in California by virtue of any right or title derived from the Spanish or Mexican Government," it may be replied that a claim of a right to permanent occupancy of land is one of far-reaching effect, and it could not well be said that lands which were burdened with a right of permanent occupancy were a part of the public domain and subject to the full disposal of the United States. There is an essential difference between the power of the United States over lands to which it has had full title, and of which it has given to an Indian tribe a temporary occupancy, and that over lands which were subjected by the action of some prior government to a right of permanent occupancy, for in the latter case the right, which is one of private property, antecedes and is superior to the title of this Government, and limits necessarily its power of disposal. Surely a claimant would have little reason for presenting to the land commission his claim to land, and securing a confirmation of that claim, if the only result was to transfer the naked fee to him, burdened by an Indian right of permanent occupancy.

Again, it is said that the Indians were, prior to the cession, the wards of the Mexican Government, and by the cession became the wards of this Government; that, therefore, the United States are bound to protect their interests, and that all administration, if not all legislation, must be held to be interpreted by, if not subordinate to, this duty of protecting the interests of the wards. It is undoubtedly true that this Government has always recognized the fact that the Indians were its wards, and entitled to be protected as such, and this court has uniformly construed all legislation in the light of this recognized obligation. But the obligation is one which rests upon the political department of the Government, and this court has never assumed, in the absence of Congressional action, to determine what would have been appropriate legislation, or to decide the claims of the Indians as though such legislation

had been had. Our attention has been called to no legislation by Congress having special reference to these particular Indians. By the act creating the land commission the commissioners were required (sec. 16) "to ascertain and report to the Secretary of the Interior the tenure by which the mission lands are held, and those held by civilized Indians, and those who are engaged in agriculture or labor of any kind, and also those which are occupied and cultivated by Pueblos or Rancheros Indians." It is to be assumed that the commissioners performed that duty, and that Congress, in the discharge of its obligation to the Indians, did all that it deemed necessary, and as no action has been shown in reference to these particular Indians, or their claims to these lands, it is fairly to be deduced that Congress considered that they had no claims which called for special action.

But we are not compelled to rest upon any presumptions from the inaction of Congress. Turning to the testimony offered in respect to the matter of occupation, it may be stated that there was sufficient to call for a finding thereon if the fact of occupation was controlling. But in the Mexican grants upon which Warner based his application to the commission for a confirmation of his title we notice these things: The first grant was in 1840, to José Antonio Pico. The application was for "the place 'Agua Caliente,' belonging to the mission of San Luis Rey, since it is not needed by the said mission, having a house on it and an orchard of little utility." The report of the justice of the peace was "that the land 'Agua Caliente' is the property of the San Luis Rey Mission, which has improvements, buildings, and an orchard, from which derive their subsistence the Indians who live thereon, which is bounded by the property of Joaquin Ortega, and I believe it can be awarded to the interested party for being worthy, but without prejudice to the Indians, who from it derive their support."

The last paper in the expediente was the following:

*Juan B. Alvarado, constitutional governor of the department of both Californias:*

Whereas José Antonio Pico has petitioned, for his own personal benefit and that of his family, the land known by the name of "Agua Caliente," bounded by the ranch of "San José Valley," with the boundary of the canyon of "Buena Vista" and by the mountains of "Palomar," having previously complied with the writs and investigations corresponding, as required by the laws and regulations, exercising the powers which are conferred on me in the name of the Mexican nation, I have resolved to grant to him the said place, subjecting himself to pay for the place of worship and other improvements that be there, belonging to the San Luis Rey Mission, and not molest (prejudicar) the Indians that thereon may be established, and to the approbation of the most excellent assembly of the department, and to the conditions following, to wit:

First. He is allowed to fence it in without interfering with the roads, crossroads, and other usages (servidumbres). He will possess it fully and exclusively, turning it to agricultural or any other use he may see fit, but within a year he shall construct a house thereon and live in it.

Second. When the property shall have been confirmed to him, he shall petition the respective judge to give him possession thereof, by virtue of this order, and shall mark out the boundaries on whose limits he shall fix the landmarks, some fruit and wild trees that may be of some utility.

Third. The land of which donation is hereby made is of the extent mentioned in the plan, which goes with the "expediente." The judge who should give possession thereof shall have it surveyed according to law, leaving the residue that may result to the nation for other purposes.

Fourth. If he should fail to comply with these conditions, he shall forfeit his title to the land and it will be denounceable by another.

Therefore, I command that this present order be to him the title, and holding it for good and valid, a copy thereof be entered into the proper book and given to the party interested for his protection and other purposes.

No approval of this grant by the departmental assembly appears of record, but the finding of the commission was that whatever of right passed to Pico was transferred by conveyances to Warner. The second grant, that in 1845, was made directly to Warner, upon his personal application, which application was thus indorsed:

OFFICE OF THE FIRST JUSTICE OF THE PEACE,

*San Diego.*

In view of the petition which the party interested remits to this office, I beg to state that the said "Valle San José" is, and has for the past two years been vacant and abandoned, without any goods

nor cultivation on the part of San Diego; but said place belongs at the present time to the said mission, and at petitioner's request I sign this in San Diego.

JUAN MA MARRON.

AUGUST 6, 1844.

Most R. P. VINCENT OLIVAS:

With the object of soliciting in property the place known by the name "Valle de San José," formerly occupied by the mission under your charge, I beg of you to be so kind as to inform me if, at the present day, the Mission of San Diego does occupy the said land, and if not, how long since it has been abandoned.

JUAN J. WARNER.

SAN DIEGO, August 5, 1844.

The "Valley of San José" can be granted to the party who petitions for it, inasmuch as the Mission of San Diego, to whom it belonged, has no means sufficient to cultivate and occupy it, and it is not so necessary for the mission.

FR. VINCENT P. OLIVAS.

MISSION OF SAN DIEGO, August 5, 1844.

The grant was in these words:

The citizen, Manuel Micheltorena, general of brigade of the Mexican army, adjutant-general of the same, governor-general, commander and inspector of both Californias:

Whereas Juan José Warner, Mexican by naturalization, has petitioned for his own personal benefit, and that of his family, the land known by the name "Valle de San José," bounded on the east by the entrance into San Felipe and the mountain, on the west by the mountain and canyon of Aguanga; and on the north bounded by the mountain, and the boundaries on the south being the "Carrizo" and the mountain; having previously complied with the notices and investigations on such matters as prescribed by the laws and regulations, exercising the powers conferred on me in the name of the Mexican nation, I have resolved to grant him the said land, declaring it by these presents his property, subject to the approbation of the most excellent assembly of the department, and to the conditions following, to wit:

First. He will not be allowed to sell it, to alienate it, nor to mortgage it, to place it under bond, or to place it under any obligation, nor give it away.

Second. He will be allowed to fence it in, without interference with the roads and other usages (servidumbres). He will hold it freely and exclusively, turning it to agriculture or any other use he may please, and he shall build a house on it within one year and live in it.

Third. He shall apply to the respective judge to give him judicial possession thereof, by virtue of this order, by which he shall mark out the boundaries, whereon he shall place the stakes, some fruit and wild trees of some use or other.

Fourth. The land which is being granted consists of six leagues, more or less (seis sitios de ganado mayor) according to the respective map or plan. The judge who may give possession thereof shall have it surveyed according to law, leaving the residuo (sobrante) to the nation for its use.

Fifth. Should he fail to comply with these conditions, he shall forfeit his right to the land, and it will be denounceable by another. Therefore, I order that this present decree be to him his title, and holding it for good and valid notice thereof be entered into the respective books and be given to the interested party for his protection and other purposes.

The grant was subsequently approved by the departmental assembly on May 21, 1845. On the application to the private land commission the matter was investigated, and a report made by Commissioner Felch in these words:

J. J. Warner v. The United States, for the place called Agua Caliente y Valle de San José, in San Diego County, containing six square leagues of land.

Two grants are presented and proved in this case: The first, made by Governor Juan B. Alvarado to José Antonio Pico on the 8th day of June, 1840; the other by Governor Manuel Micheltorena on the 28th day of November, 1844, to the present claimant. The land embraced in the grant to Pico is designated by the name Agua Caliente, and that described in the grant to Warner is called the Valle de San José. On comparing the descriptions of the two parcels of lands and maps which constitute portions of the two expedientes it is manifest that the grant to Warner embraces the premises described in the previous grant to Pico. The place known by the name of Agua Caliente constitutes the northern portion of the valley known by the name of San José, while the grant to Warner describes the entire valley, and the witnesses testify that the rancho claimed by Warner is known by these names, but more frequently it has recently been called Warner's rancho. The testimony shows that Pico had set out some vines on the place before the grant was made to him, and that he built a house on the place after the grant, but in 1842 he left the place, probably on account of the danger from the Indians, and does not appear to have done anything more in connection with it.

The proof is scarcely sufficient to establish the performance of the conditions of the grant by him, while his absence from the place and the want of any evidence of an attempt to return to it after 1842 indicates an abandonment of it. It was so treated by Warner in petitioning for a grant of the

same in 1844 and by the governor in making the concession to him. If, however, there was any remaining interest in said Pico by virtue of the grant to him, the present claimant has succeeded to that interest by virtue of a conveyance made to him by said Pico on the thirteenth day of January, 1852. This conveyance is given in evidence.

I think, however, that the right of the present claimant must be determined entirely by the merits of the case based on Micheltorena's grant to him.

This grant was approved by the departmental assembly May 21, 1845.

The testimony of Andres Pico shows that Warner was living with his family on the place in the fall of 1844 and cultivating portions of the land.

His residence on the place appears to have been continued until 1851, when the Indians burnt his buildings and destroyed his stock. Since that time his occupation has been continued by his servants.

In the grant the description of the land petitioned for is such as to embrace the entire valley called San José as laid down on the map constituting a part of the expediente, giving well-defined landmarks and boundaries, which the witnesses testify are well-known objects.

The valley is very irregular in shape and is surrounded by high hills.

Juridical measurement was required and the quantity of six square leagues was granted, but as the measurement was never obtained it is important to determine whether the grantee is entitled to hold the entire premises described in the grant; using the scale given on the deslino referred to in the grant, the quantity included in the premises can not exceed six square leagues of land.

The testimony of the witnesses who were interrogated on the subject estimate it variously; some more and some less than the quantity conceded. On an examination of the whole case, however, we are inclined to the opinion that the petitioner should have a confirmation of the premises according to the description contained in the grant to him, and a decree will be entered accordingly.

Upon that report the title was confirmed, which, as heretofore stated, was approved by the district court, and thereupon a patent was issued.

From these papers the following appears: The grant to Pico was made subject to the condition that he should "not molest the Indians that thereon may be established." No such condition was attached to the subsequent grant to Warner. On the contrary the report of the justice of the peace was that the land had been for two years vacant and abandoned; that there was some property rights vested, not in the Indians, but in the Mission of San Diego, and the official of that mission consented to the grant, inasmuch as the mission had no means to cultivate and occupy the land and it was no longer necessary for its purposes.

Some discussion appears in the briefs as to the meaning of the word translated "usages" (servidumbres) which appears in both grants, and it is contended by the plaintiffs in error that it is equivalent to the English word "servitudes" and is broad enough to include every right which anyone may have in respect to the premises, subordinate to the fee. We shall not attempt to define the meaning of the word standing by itself. It may be conceded that it was sometimes used to express all kinds of servitudes, including therein a paramount right of occupation; but the context seems to place a narrower meaning upon its use here. Thus, in the first grant not only is there the distinct provision that the Indians established on the land shall not be molested, but the grantee "is allowed to fence it in without interfering with the roads, crossroads, and other usages" (servidumbres). In the second the grantee is "allowed to fence it in without interference with the roads and other usages" (servidumbres). Obviously, it is in these two clauses contemplated that the fencing is to be without interference with roads and other usages or burdens. It does not mean that the general occupation and control of the property is limited by any so-called servidumbres, but only that such full control shall not be taken as allowing any interference with established roads or crossroads, or other things of like nature.

It thus appears that prior to the cession the Mexican authorities, upon examination, found that the Indians had abandoned the land; that the only adverse claim was vested in the Mission of San Diego, and made an absolute grant, subject only to the condition of satisfying whatever claims the mission might have. How can it be said, therefore, that when the cession was made by Mexico to the United States there was a present recognition by the Mexican Government of the occupancy of these Indians? On the contrary, so far as any official action is disclosed, it was distinctly to the contrary, and carried with it an affirmation that they had abandoned their

occupancy, and that whatever of title there was outside of the Mexican nation was in the mission, and an absolute grant was made subject only to the rights of such mission.

For these reasons we are of opinion that there was no error in the rulings of the supreme court of California, and its judgments in the two cases are affirmed.

Mr. Justice White did not hear the argument of these cases or take part in their decision.

## THE CHAMBERLAIN BROTHERS, CŒUR D'ALÈNE RESERVE, IDAHO.

As set forth in my last two annual reports, some years ago six Chamberlain brothers and certain other persons went to the Cœur d'Alène Reservation, Idaho, and asserted a right to share in Cœur d'Alène lands and tribal funds. The office decided that they were not of Cœur d'Alène blood, and were therefore without right upon that reservation. All left the reservation except three, who persisted in their right to remain. They selected lands for homes, made improvements, and filed a claim for \$13,340 of Cœur d'Alène money. With the assistance of the military they were finally removed in 1899, but they returned to the reservation and instituted proceedings in the United States circuit court, northern division of Idaho, to restrain A. M. Anderson, United States Indian agent, from removing them and to secure a decree adjudging them to be members of the Cœur d'Alène tribe of Indians.

The case came up for hearing May 20, 1901. The court found that the allegation set out by the complainants in their bill of complaint had not been proved and ordered that the temporary restraining order theretofore granted against defendant be dissolved; that the complainants take nothing by their bill, and that the defendant recover his costs in the case. In case the complainants were found to be temperate and law-abiding and their example such as in no way to be injurious to the other Indians, the court recommended that they be allowed to remain permanently upon the lands they occupied to the extent of 160 acres for each family, but that they be not allowed to share in the Government annuities or moneys due the Cœur d'Alène Indians, and that they be required to disclaim all claim thereto.

The agent reported that he was satisfied that had the judge been familiar with the character and conduct of the Chamberlain brothers he would not have made that recommendation, and that the presence of the Chamberlain brothers upon the reservation was so detrimental to the best interests of the Indian that they should be required to remove at the earliest practicable date.

July 30, 1901, the Department approved office recommendation of July 27 that the complainants, Bartholomew, Fabian, and Jeremiah Chamberlain and Gregurie Amperville, be required to remove from the reservation within a reasonable time, and August 2 the Indian agent was instructed to require them to remove on or before October 1, 1901.

## CEDED LANDS, FORT HALL, IDAHO.

My last annual report stated that Inspector W. J. McConnell was detailed to appraise the improvements of Indians electing to remove from ceded lands to the diminished Fort Hall Reserve, and Agent A. F. Caldwell, of the Fort Hall Agency, was instructed to make the allotments to Indians on the ceded lands who might elect to remain thereon. October 5, 1900, the agent reported that it would be impossible to finish the allotment work before cold weather and snows would intervene to prevent its completion. Believing that but little would be gained by doing a portion of the field work and suspending the remainder, the office reluctantly authorized him, on October 16, 1900, to postpone the allotment work until spring. He was instructed, however, to resume the work at the earliest practicable date in the spring, and meanwhile to map out and organize it in every detail, so that when resumed not the slightest delay would be incurred. On the same date the office suggested to the Department that the appraisal work by the inspector be also postponed.

March 21 last Agent Caldwell was again instructed to make allotments as soon as the weather would permit, and he was informed that the work should be completed at the earliest date practicable consistent with thoroughness. June 28 he reported that he had completed the work of making allotments in the field and would forward the schedules as soon as they could be prepared, and that 23 heads of families had elected to remove to the diminished reservation, whose improvements could be scheduled and appraised. Inspector McConnell's connection with the service having been severed, the Department, on July 12, approved office recommendation of July 10 that Agent Caldwell be now required to make the appraisements, and he was so instructed July 16.

August 22 Agent Caldwell transmitted his schedule of allotments, and also his schedule of improvements and appraisements. The former contains the names of 90 allottees, to all of whom agricultural lands were allotted—80 acres to each person. The total area allotted is 7,177.17 acres. The schedule of appraisements describes the improvements of 23 Indian heads of families. The total appraised value is \$5,851.50, the several individual holdings ranging in value from \$64 to \$875. The agent states that none of the improvements appraised will be removed by the Indian owners if satisfactory prices can be obtained for them.

April 25, 1901, the Commissioner of the General Land Office expressed the opinion that the ceded lands should be regularly surveyed and the schedules of allotments and appraisements completed and filed in that office before the classification of the lands, as required by section 5 of the act of June 6, 1900, ratifying the agreement, should be commenced. June 8, 1901, he transmitted to the Department copies

of reports from the several deputy surveyors having contracts for the execution of surveys of the ceded lands, stating approximately the dates when they would complete the field work of the surveys covered by their respective contracts. The latest date given was September 30, 1901. August 6, 1901, the Commissioner of the General Land Office stated that it was proposed to have Examiner of Surveys Frank H. Brigham examine the surveys of the Fort Hall ceded lands, and suggested that he might at the same time advantageously make the classification of agricultural lands, grazing lands, etc., required by said section 5. August 10 the office concurred in the recommendation that Mr. Brigham be authorized to make such classification.

## INDIAN TERRITORY UNDER THE CURTIS ACT AND SUBSEQUENT LEGISLATION.

The provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), entitled "An act for the protection of the people of the Indian Territory, and for other purposes," commonly known as "The Curtis Act," were fully discussed in my annual reports for the years 1898, 1899, and 1900, and it will be unnecessary, therefore, for me to enter here into any general discussion of them.

Section 27 of the Curtis Act is as follows:

That the Secretary of the Interior is authorized to locate one Indian inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law relating to affairs therein.

The Secretary of the Interior, under its provisions, assigned United States Indian Inspector J. George Wright to the Indian Territory August 17, 1898. Inspector Wright reports to the Department through this office on all matters coming within his jurisdiction.

For convenience the discussion of affairs in the Indian Territory will be divided into two parts, the first being matters over which the United States Indian inspector for the Indian Territory and the United States Indian agent for the Union Agency have supervision. This subject may be properly divided into five subdivisions, to wit: First, educational matters; second, mineral leases; third, collection of revenues; fourth, town sites, and fifth, timber.

The second division includes matters coming within the jurisdiction of the Commission to the Five Civilized Tribes, and relates to the making of the roll of the citizens of each tribe and to the division in severalty among them of the land and other property of the tribe.

### EDUCATION.

Under the provisions of sections 19 and 29 of the "Curtis Act," the Secretary of the Interior assumed a general and specific control of educational matters of the Choctaw, Chickasaw, Creek, and Cherokee



nations. In the first two nations, under section 29 of the above-quoted act, relating to the revenues arising from coal and asphalt in their limits, a complete control was assumed, so far as those schools were concerned, which were supported out of these revenues. The general supervision of schools in the several nations was exercised through a United States superintendent of schools in Indian Territory and four supervisors.

Important changes have been made during the past three years of Government supervision. At first viewed with suspicion, this feeling has gradually worn away until harmonious relations have been established, and these Indians have begun to realize that the old order must pass away and that the Department is only actuated by a desire to properly prepare these people for their inevitable transition into American citizens. The anomalous conditions existing in Indian Territory could not be permitted much longer, and it was the duty of the General Government to make that transition as early as possible and with the least hardship upon those affected thereby. As stated by one of these officials—

By the aid of a liberal supply of patience, we have been able to effect many changes and improvements and to convince the tribal officials that in the upbuilding of the school there is abundant work for all of us.

As each nation has separate and distinct laws and customs relating to the management of its schools, general control has been modified to meet those conditions, but in the main the educational work may be said to be carried on through the medium of orphan asylums, boarding schools, day or neighborhood schools, contract denominational institutions, public schools, and private seminaries. So far as may be consistent, tribal traditions, customs, and laws have been adapted to the new order established.

The superintendent of schools has held during the past year normal summer schools for each of the respective nations. These indispensable adjuncts to a successful teacher's equipment have grown in favor with pupils, patrons, and employees. At first looked upon with disfavor, their effectiveness is now appreciated, evidencing the wise management of Superintendent Benedict.

Generally speaking, the nepotism and favoritism in appointment of teachers and other employees have passed away, and the Indian parent has been prompt to recognize the resultant benefit to his children. The morale of the force has been elevated and competent employees secured.

A brief résumé of educational work in the Choctaw, Chickasaw, Creek, and Cherokee nations will be separately presented.

**Choctaw Nation.**—As the schools in this nation were supported entirely from the royalties on coal and asphalt within its limits, their

immediate and direct control was vested by the Curtis law in the Secretary of the Interior.

There are 5 academies and about 160 day or neighborhood schools successfully operated. The academies or boarding schools are conducted by contract, the superintendents furnishing the food, clothing, text-books, and all things necessary for the maintenance of the school, except employees.

The supervisor for this nation says:

Manual labor has been one of the prominent features. The boys are taught the use of tools, and seem to take quite an interest in making various articles. The girls are taught how to cook and do general housework, besides given practical instructions in sewing and fancy needlework.

This is an innovation in the curriculum of schools when under control of tribal authorities.

Most of the neighborhood schools opened September 1, 1900, and were in session nine months.

The following table shows the enrollment, average attendance, etc., of these schools for the year:

TABLE 12.—*Enrollment, average attendance, etc., of schools in Choctaw Nation, Indian Territory.*

Schools.	Enrollment.	Average attendance.	Months of schools.	Annual cost.	Average cost per pupil.	Number of employees.
Jones Academy .....	142	101	9	\$14,755.75	\$146.10	13
Tushkahoma Academy .....	123	99	9	14,351.86	144.97	13
Armstrong Academy .....	97	87	9	12,253.97	140.85	9
Wheelock Academy .....	108	92	9	11,608.26	126.18	8
Atoka Baptist Academy .....	55	51	9	5,500.00	107.84	.....
Total .....	525	430	.....	58,469.84	135.98	43
161 neighborhood schools .....	2,879	1,924	.....	34,391.02	17.87	169
47 neighborhood schools .....	305	201	.....	3,147.70	15.66	47
Total .....	3,709	2,555	.....	96,008.56	.....	259

<sup>1</sup> Choctaws who attended public and private schools in the Chickasaw Nation and whose tuition was paid at the rate of \$2 per month for each pupil.

On July 5, 1901, the inspector for Indian Territory forwarded certain correspondence relating to the control of schools in the Choctaw Nation, in response to papers submitted by the Department on May 21. Superintendent Benedict on June 29 reported the result of a conference between himself and the principal chief of the Choctaw Nation, recommending certain modifications of existing school regulations so far as they pertain to this nation, and providing for the appointment of a representative of the nation to act with the United States supervisor of schools in all school matters. In view of the statement made by the superintendent of schools in Indian Territory that some dissatisfaction has been manifested by some members of the tribe concerning the conduct of the schools by the United States Gov-

ernment, Inspector Wright recommended certain changes in their management. Desirous of establishing and maintaining harmonious relations with the Indians, for whose sole benefit the schools are conducted, upon the recommendation of this office the following amendments to "Regulations concerning education in Indian Territory" were approved by the honorable the Secretary of the Interior on August 7, 1901:

1. The superintendents, teachers, and other employees in the schools of the Choctaw Nation shall be selected and appointed by a board to be composed of the school supervisor for the Choctaw Nation appointed by the Secretary of the Interior, and a representative of the Choctaw Nation, to be nominated by the principal chief of the Choctaw Nation, approved by the board of education of the Choctaw Nation, and appointed by the Secretary of the Interior, who may also be removed by the Secretary of the Interior for good cause shown. The compensation of such representative of the Choctaw Nation shall be fixed by the Secretary of the Interior and paid out of the revenue arising from the mining of coal and asphaltum in the Choctaw Nation, under section 29 of the act of June 28, 1898 (30 Stat., 495). The number and compensation of superintendents, teachers, and other employees shall be fixed by the Secretary of the Interior.

2. Hereafter no persons shall be eligible to appointment as a superintendent or teacher in the schools of the Choctaw Nation who has not been examined by such board and receive a certificate as to his mental, moral, and other qualifications to teach.

3. No persons shall be eligible to admission to the boarding schools of the Choctaw Nation who have not been selected by the regular constituted authorities of the Choctaw Nation, acting under tribal laws.

4. The acts of said board shall become effective only when concurred in by both members thereof and approved by the Secretary of the Interior.

5. The "Regulations concerning education in the Indian Territory" shall be in full force and effect in the Choctaw Nation, except in so far as they conflict herewith.

G. W. DUKES,

*Principal Chief of the Choctaw Nation and ex-officio Chairman of the Board of Education.*

J. W. EVERIDGE,

*Superintendent of Public Instruction, Choctaw Nation.*

AMOS HENRY,

*District Trustee, First District, Choctaw Nation.*

CRAWFORD J. ANDERSON,

*District Trustee, Second District, Choctaw Nation.*

JEFF HULTON,

*District Trustee, Third District, Choctaw Nation.*

The foregoing amendments are approved tentatively, the Department still reserving the right at any time to resume absolute control of all schools operated and maintained out of coal and asphalt royalties.

In carrying out the above amendments the salary of the representative of the Choctaw Nation was fixed at \$1,200 per annum and \$300 per annum for traveling expenses. He is required to devote all of his time to the duties of his office. On July 10, 1901, the principal chief of the Choctaw Nation nominated for this position Eli E. Mitchell, of Redoak, Ind. T., to act as representative of the Choctaw Nation in conjunction with the United States supervisor of schools,

which appointment has been approved by the honorable the Secretary of the Interior.

**Chickasaw Nation.**—Although the children of this tribe were interested in the royalties arising from coal and asphalt within the limits of the nation, yet the authorities of this nation have heretofore steadily denied the right of the Secretary of the Interior to control their schools. In view of the reports made upon their conduct under tribal control, the Department firmly refused to permit the use of these royalties, unless the schools were placed under the management of the Government officials as in the case of the Chickasaw Nation. These revenues were not alone sufficient to maintain a system of schools, and therefore have not been expended. On the other hand, out of their own revenues the Chickasaw Nation has attempted to maintain their own system, but with the results which have finally appealed successfully to their authorities, bringing forth concessions which should give their nation good schools, well managed, and economically administered.

The betterment of these schools was the subject of considerable correspondence and conference, until finally an agreement was effected in this city on April 11, 1901, between the Secretary of the Interior and the principal chief of the Chickasaw Nation.

This agreement is as follows:

As applicable to the disbursement of the Chickasaw coal and asphaltum royalty fund for educational purposes in that nation, the following regulations are hereby approved by the Secretary of the Interior and the Chickasaw Nation by its governor:

1. That a board of examiners, one of whom shall be designated by the Secretary of the Interior, shall be appointed by the duly constituted authority or authorities of the Chickasaw Nation, among whose duties shall be that of examining applicants to teach school in said nation, with a view to ascertaining their qualifications in every respect for the performance of that duty.
2. That after the close of the present scholastic year, to wit, June 30, 1901, no person shall be eligible to teach in the schools of the Chickasaw Nation who has not been examined by such board of examiners and received a certificate from such board as to his mental, moral, and other qualifications to teach, which certificate shall expire one year from the date thereof.
3. That no act of said board shall be effective for any purpose unless concurred in by each and every member thereof.
4. That said board of examiners shall have authority and it shall be their duty to revoke and cancel the certificate of any teacher who may by said board be found guilty of any act of immorality or any conduct which, in the judgment of said board, renders such teacher an unfit person to have charge of a school or to be associated therewith as a teacher, and it shall be the duty of said board to take jurisdiction of any complaint in that behalf which may be made in writing against such teacher. And the decision of said board relative thereto shall forthwith be reported to the board of education of said Chickasaw Nation for appropriate action.
5. The school officials appointed by the Secretary of the Interior for the Indian Territory shall at all times have access to the schools of the Chickasaw Nation for

the purpose of advising as to the character and conduct of school employees, courses of study, methods of teaching, sanitation, and discipline; and friendly cooperation with such officials, so as aforesaid appointed by the Secretary of the Interior, on the part of school officials, teachers, and other officers of the Chickasaw Nation in the betterment of such schools is assured by said Nation; and any information that may be desired by the Secretary of the Interior, or his representative, as to the condition or conduct of such schools will at all times be cheerfully furnished.

6. That the outstanding school warrants of the Chickasaw Nation legally issued, for the service performed or material furnished for school purposes, in accordance with school laws of the Chickasaw Nation since the ratification of the Atoka agreement, shall be paid without unnecessary delay, by a disbursing officer designated by the Secretary of the Interior, out of the Chickasaw coal and asphaltum royalty fund now in the hands of the United States, so far as the same will apply, and such school warrants as may hereafter be legally issued for such service or such material for school purposes, in accordance with such laws, shall in like manner be paid out of such fund as shall hereafter come into the hands of the United States, so far as the same will apply, annually, semiannually, or quarterly, as the Secretary of the Interior may determine best, so long as these regulations shall be observed by the Chickasaw Nation.

Approved:

E. A. HITCHCOCK,  
*Secretary of the Interior.*

D. H. JOHNSTON,  
*Governor Chickasaw Nation.*

WASHINGTON, D. C., *April 11, 1901.*

Under the provisions of section 1 of the above agreement John D. Benedict, United States superintendent of schools in Indian Territory, was appointed by the Secretary of the Interior as a member of the board of examiners, and E. B. Hinshaw, of Kemp, Ind. T., and William F. Bourland, of Ardmore, were appointed as the other members.

On July 25, 1901, John M. Simpson, supervisor for the Chickasaw Nation, resigned, and on September 23, 1901, George Beck, of Wisconsin, was appointed to the vacant position.

Owing to the unbusinesslike methods heretofore prevailing in the management of these schools by the tribal authorities, it is doubtful whether the accumulated coal and asphalt royalty of about \$100,000 will be sufficient to liquidate their entire school indebtedness.

In discussing the Chickasaw schools John D. Benedict, superintendent of schools, in his annual report says:

The Chickasaws deserve credit for their liberal appropriations for educational purposes, but their annual expenses are in excess of their ability to pay. Some of the school employees have been unable to get any money upon their warrants for the past two years without heavily discounting them. Not only are the children in the academies boarded and educated at the expense of the nation, but for several years past the nation has undertaken to pay the board of children who attend their neighborhood schools. Under this arrangement many parents receive pay for boarding their own children at home. Their annual expenses should be curtailed and arrangements made so that the contractors who maintain their boarding schools and the teachers of the nation may receive their pay more promptly.

The enrollment, average attendance, etc., of the schools of the Chickasaw Nation are given in the following table:

TABLE 13.—*Enrollment, average attendance, etc., of schools in Chickasaw Nation,<sup>1</sup> Indian Territory.*

School.	Enroll- ment.	Average attend- ance.	Months of school.	Annual cost.	Average cost per pupl.	Number of em- ployees.
Orphan Home .....	54	51	10	\$8,747.31	\$171.44	8
Wapanucka Institute .....	80	60	6	7,800.00	130.00	7
Collins Institute .....	49	40	10	6,400.00	160.00	7
Harley Institute* .....	106	72	10			13
Bloomfield Seminary* .....		92	10	14,025.00	152.44	
Total .....		315				

<sup>1</sup> Chickasaw superintendent of schools failed to make any report on neighborhood schools.

\* Superintendent failed to make complete report.

**Creek Nation.**—The schools of this nation have heretofore been conducted under the Creek law and by the Creek authorities, supervised by the superintendent of schools in Indian Territory and the supervisor of schools for the nation. The Creek school fund, as reported by the supervisor, amounts annually to \$76,468.40, of which amount \$63,300 is annually required for the maintenance of the 10 boarding schools, leaving a balance of \$13,168.40 applicable to the day or neighborhood schools. This amount for school purposes was supplemented during the year by a special appropriation of the Creek council of \$88,900.

The estimate of the principal chief gives a population of 10,000 Creeks and 4,500 Creek freedmen (Indians). For all of these are maintained 9 boarding schools, 6 for Indian children and 3 for children of their freedmen. There are also 64 neighborhood schools, of which 41 are for Indians and 23 for negro children. The attendance at some of these schools was much reduced from an epidemic of smallpox, and dissatisfaction on the part of the full bloods with the individual allotment of lands. At all the boarding schools, except Nuyaka, the superintendents are Creek citizens. The majority of these are reported as fairly competent, while some are careless and neglectful of ordinary sanitary and hygienic conditions, which should always guard a school.

An agreement was made with the Muscogee or Creek tribe of Indians, which was passed by Congress, approved March 1, 1901, and ratified by the Creek Nation on May 25, 1901. Section 40 of this agreement is as follows:

The Creek school fund shall be used, under direction of the Secretary of the Interior, for the education of Creek citizens, and the Creek schools shall be conducted under rules and regulations prescribed by him, under direct supervision of the Creek school superintendent and a supervisor appointed by the Secretary, and under Creek laws, subject to such modifications as the Secretary of the Interior may deem necessary to make the schools most effective and to produce the best possible results.

All teachers shall be examined by or under direction of said superintendent and supervisor, and competent teachers and other persons to be engaged in and about the schools with good moral character only shall be employed, but where all qualifications are equal preference shall be given to citizens in such employment.

All moneys for running the schools shall be appropriated by the Creek national council, not exceeding the amount of the Creek school fund, \$76,468.40; but if it fail or refuse to make the necessary appropriations, the Secretary of the Interior may direct the use of a sufficient amount of the school funds to pay all expenses necessary to the efficient conduct of the schools, strict account thereof to be rendered to him and to the principal chief.

All accounts for expenditures in running the schools shall be examined and approved by said superintendent and supervisor and also by the general superintendent of Indian schools in Indian Territory before payment thereof is made.

If the superintendent and supervisor fail to agree upon any matter under their direction or control, it shall be decided by said general superintendent, subject to appeal to the Secretary of the Interior; but his decision shall govern until reversed by the Secretary.

Under the provisions of this section, on August 27, 1901, the following rules and regulations were prescribed:

1. That, so far as practicable, the rules for the Indian school service, 1898, and the regulations concerning education in the Indian Territory heretofore promulgated by the Secretary, shall apply in the government of the Creek schools.

2. All teachers in the boarding schools and day schools shall be examined and appointed by the superintendent of public instruction for the Creek Nation and the supervisor of schools for the Creek Nation. All boarding-school superintendents and other necessary employees in the boarding schools shall be appointed by the superintendent of public instruction for the Creek Nation and the supervisor of schools for the Creek Nation, and no person shall be employed who is not competent to perform the duties of the position to which he or she may be appointed. In the appointment of superintendents, teachers, and other school employees preference shall be given citizens of Indian blood, where they are competent to pass the necessary examinations and are otherwise duly qualified and suitable for such positions.

The supervisor of schools shall at all times be under the direction and supervision of the superintendent of schools for the Indian Territory.

3. That the superintendent of schools in the Indian Territory shall have the right to disapprove any appointment made as above, for good cause, and remove any school employee for incompetency, immorality, or other just cause, after due investigation, subject, however, to an appeal to the honorable Secretary of the Interior.

4. That the salaries of superintendents, teachers, and other school employees shall be fixed by the Secretary of the Interior, and the number of all employees shall be fixed by the Secretary of the Interior.

5. The superintendent of each boarding school shall, under the direction of the superintendent of public instruction and the supervisor of schools, purchase at the lowest obtainable price such provisions as may be needed for the maintenance of the school of which he is superintendent, and shall keep a complete and accurate book account of all purchases; provided, that the superintendent of public instruction and the supervisor of schools for Creek Nation may, when so directed by the Secretary of the Interior, take bids for furnishing the necessary provisions for such boarding schools, and shall award the contract for furnishing such provisions to the lowest responsible bidder.

6. That at the end of each quarter and within ten days thereafter the superintendent of each boarding school shall submit an itemized report to the superintendent of public instruction and the supervisor of schools, showing in detail the articles purchased by him for such school and the prices thereof. The superintendent of public instruction and the supervisor of schools shall carefully examine such report and shall issue a joint requisition upon the principal chief of the Creek Nation for warrants in favor of all parties from whom proper purchases shall have been made, which

requisition shall be approved by the superintendent of schools in Indian Territory and shall be his voucher for the issuance of warrants in payment of said indebtedness.

7. The supervisor of schools shall file with the Indian agent for the Union Agency duplicate copies of all requisitions issued at the time of the filing of original requisitions with the principal chief of the Creek Nation.

8. All teachers shall be required to make quarterly reports, and their salaries and the salaries of other school employees shall be audited and paid as provided in sections 6 and 7 above.

9. The supervisor of schools and the superintendent of public instruction for the Creek Nation shall purchase such books and supplies as may be needed for the day schools, subject to the direction of the superintendent of schools in Indian Territory.

10. The annual expenses of each boarding school shall not exceed the amount appropriated therefor.

11. The superintendent of schools in Indian Territory shall fix regular times and places of meeting for the supervisor of schools and the superintendent of public instruction for the Creek Nation for the transaction of business which properly belongs to them, and he may notify them to hold special meetings whenever in his opinion it becomes necessary to do so.

12. The superintendent of schools in Indian Territory shall prepare and formulate rules and regulations fixing the duties of the various employees in the Creek schools and providing for the proper conduct and management of said schools, which shall not take effect until approved by the Secretary of the Interior.

13. That the superintendent of each boarding school shall be required to give bond for the faithful performance of his duties and for the proper care of all school property within his control, the amount of said bond to be fixed by the Secretary of the Interior.

14. Whenever the superintendent of public instruction for the Creek Nation and the supervisor of schools shall fail to agree upon any matter under their direction or control it shall be decided by the superintendent of schools in Indian Territory, subject to an appeal to the Secretary of the Interior.

15. That at the close of each scholastic year each of the national boarding schools shall be inspected by a competent architect, at a compensation to be agreed upon by the superintendent of public instruction and the supervisor of the nation, subject to the approval of the superintendent of schools, and should it be found that any of these buildings are in need of repairs or additional buildings are needed, the necessary estimates, including a detailed, itemized estimate of labor and material, together with plans and specifications, if necessary, shall be furnished to the superintendent of public instruction and the supervisor of schools, and if approved by the superintendent of schools in Indian Territory, estimates for such repairs shall be submitted by the superintendent of schools to the national council, in order that the necessary appropriations may be made.

When such appropriations are made the superintendent of schools in Indian Territory shall invite bids for the performance of such work, by printed posters publicly displayed or by advertisement in newspapers, and he shall let the contract therefor to the lowest and most satisfactory bidder.

When the repairs have been completed and inspected, a requisition shall be made in the matter, as indicated in section 6 of the proposed regulations concerning education in the Creek Nation.

Approved August 27, 1901.

THOS. RYAN,  
*Acting Secretary of the Interior.*



The following table gives the enrollment, average attendance, etc., at the Creek schools for the past year:

TABLE 14.—*Enrollment, average attendance, etc., of schools in the Creek Nation, Indian Territory.*

Schools.	Enrollment.	Average attendance.	Months of school.	Annual cost.	Average cost per pupil.	Number of employees.
Eufaula.....	114	96	9	\$8,772.46	1\$91.38	11
Creek Orphan.....	82	55	9	5,722.64	104.95	7
Euchee.....	79	55	8	7,255.17	131.90	9
Wetumka.....	84	62	9	7,938.50	128.04	11
Coweta.....	51	39	9	3,991.37	102.34	7
Wealaka.....	35	24	8	3,259.76	135.82	8
Tulahassee (colored).....	92	67	9	7,205.20	107.54	8
Pecan Creek (colored).....	50	35	9	3,264.11	93.25	5
Colored Orphan.....	35	17	9	3,061.19	180.07	5
Total.....	602	450	.....	50,470.40	112.16	71
64 neighborhood schools.....	2,070	957	9	17,788.28	18.58	64
Total.....	2,672	1,407	.....	68,258.68	.....	135

<sup>1</sup> About 10 per cent of the enrollment was day students, for whom the only expenditure was cost of books and tuition.

In the treaty above referred to only 40 acres of land are reserved to each boarding school. As Superintendent Benedict states—

After deducting yards, lots, and orchards, but little land is left for cultivation. Each of these schools should have a good large farm, which, if properly managed, would furnish nearly all the provisions needed for the maintenance of the schools.

It was therefore unfortunate that a larger acreage was not reserved for such purposes.

**Cherokee Nation.**—Under the general supervision of the United States supervisor of schools, the schools of the nation are conducted under tribal laws and by the tribal authorities. The nation school board consists of three members, who serve for three years, but the term of one member annually expires, the vacancy being filled by the council. These officials are all bonded and administer the affairs of the schools. As stated by Supervisor Cappock—

They determine the qualifications of teachers, appoint the same, revoke appointments for cause, establish and discontinue schools according to law, appoint local directors for primary schools, issue requisitions for warrants for teachers' pay, organize the high schools and supervise the same, settle quarterly with the stewards on the financial conduct of the same, issue requisitions for their warrants, and report annually in detail to the council all their financial transactions.

All school warrants, however, are registered and indorsed by the United States supervisor before payments are made thereon. The United States supervisor and the Cherokee board of education examine all teachers and other school employees, whose assignment to positions is subject also to his approval. The special gains of the year are said to be an increased attendance and reduction of cost of maintenance at the high schools, better discipline, more efficient teachers, and the elimination of much of the "baleful influence of politics, favoritism.

and relationship" in their appointments. Due credit is accorded the Cherokees and their tribal authorities for cooperation in the elevation of their schools to a higher plane.

There were conducted 30 full-blood, 80 mixed, and 14 negro primary schools. The sessions were twelve weeks in the fall and sixteen in the spring. Teachers were paid a uniform rate of \$35 per month.

The high schools maintained were the male seminary, the female seminary, the orphan asylum, and the colored high school. While these institutions are boarding schools, they each include a primary and intermediate department.

A summary of educational work is shown in the following table:

TABLE 15.—*Enrollment, average attendance, etc., of schools in Cherokee Nation, Indian Territory.*

School.	Enroll- ment.	Average attend- ance.	Months of school.	Annual cost.	Average cost per pupil.	Number of em- ployees.
Male Seminary .....	232	137	9	\$14,875.00	\$108.57	8
Female Seminary .....	221	136	9	14,825.00	109.41	8
Orphan Asylum .....	179	147	9	15,125.00	103.24	8
Colored High School .....	54	35	9	3,450.00	98.57	3
Total .....	686	455	.....	48,275.00	106.10	27
124 neighborhood schools .....	4,153	2,356	7	34,460.00	14.63	124
Total .....	4,839	2,811	.....	82,735.00	.....	151

**Seminole Nation.**—This is the smallest of the Five Civilized Tribes. Its scholastic population is about 900, divided as follows: Indians, 400; negroes, 400; whites, 100. No reports of work among these schools is made to this department, as they are maintained and controlled entirely by the tribal authorities of the Seminole Nation.

**Comparative cost.**—The data contained in the subjoined table will indicate approximately the cost of the educational work among four of the tribes as compared with the previous year. Owing to inadequate facilities for securing correct statements concerning many of the schools, the table can not be considered as absolutely accurate, but sufficiently so for comparative purposes:

TABLE 16.—*Enrollment and average attendance during the fiscal years 1900 and 1901, showing increase in 1901, also average annual cost per pupil each year.*

[Collated from report of superintendent of schools in the Indian Territory.]

School.	Enrollment.			Average attend- ance.			Average cost per capita, 1900.	Average cost per capita, 1901.	Increase (+) or decrease (-) in cost.
	1900.	1901.	In- crease.	1900.	1901.	In- crease.			
<b>Cherokee Nation:</b>									
Male Seminary .....	120	232	112	80	137	57	\$131.75	\$108.57	— \$23.18
Female Seminary .....	135	221	86	105	136	31	150.84	109.41	— 41.43
Orphan Home .....	138	179	41	124	147	23	121.95	103.24	— 18.71
Colored High School .....	45	54	9	23	35	12	147.78	98.57	— 49.21
Total .....	438	686	248	332	455	123	137.81	106.10	— 31.71
124 neighborhood schools .....	4,153	.....	.....	2,356	.....	.....	.....	14.63	.....
Grand total .....	4,839	.....	.....	2,811	.....	.....	.....	.....	.....

TABLE 16.—*Enrollment and average attendance during the fiscal years 1900 and 1901, showing increase in 1901, also average annual cost per pupil each year—Continued.*

School.	Enrollment.			Average attendance.			Average cost per capita, 1900.	Average cost per capita, 1901.	Increase (+) or decrease (−) in cost.
	1900.	1901.	Increase.	1900.	1901.	Increase.			
<b>Choctaw Nation:</b>									
Jones Academy .....	110	142	+ 32	81	101	+20	\$157.67	\$146.10	−\$11.57
Spencer Academy .....	105		−105	81		−81	152.41		−152.41
Tuskahoma Female Institute .....	111	123	+ 12	98	99	+ 1	129.15	144.97	+ 15.82
Armstrong Orphan Academy .....	78	97	+ 19	78	87	+ 9	129.41	140.85	+ 11.44
Wheelock Orphan Academy .....	87	108	+ 21	78	92	+14	120.18	126.18	+ 6.00
Atoka Academy .....		55	+ 55		51	+51		107.84	+107.84
<b>Total</b> .....	491	525	+ 34	416	430	+14	133.78	135.98	+ 2.20
161 neighborhood schools .....	2,879				1,924			17.87	
47 neighborhood schools <sup>1</sup> .....		305			201			15.66	
<b>Total</b> .....	3,709				2,555				
<b>Creek Nation:</b>									
Eufaula .....	100	114	+ 14	80	96	+16	104.81	*91.38	− 13.43
Creek Orphan Home .....	60	62	+ 2	55	55		130.22	104.95	− 25.27
Euchie .....	80	79	− 1	58	55	− 3	123.76	131.90	+ 8.14
Wetumka .....	100	84	− 16	82	62	−20	112.37	128.04	+ 15.67
Coweta .....	50	51	+ 1	38	39	+ 1	131.15	102.34	− 28.81
Wealaka .....	50	35	− 15	39	24	−15	115.87	135.82	+ 20.45
Tallahassee .....	100	92	− 8	80	67	−13	108.22	107.54	− .68
Colored Orphan Home .....	35	35		24	17	− 7	104.13	180.07	+ 75.94
Pecan Creek .....	65	50	− 15	50	35	−15	95.25	93.26	− 1.99
<b>Total</b> .....	640	602	− 38	506	450	−56	103.62	112.16	+ 8.54
64 neighborhood schools .....	2,070				957			18.58	
<b>Total</b> .....	2,672				1,407				
<b>Chickasaw Nation:</b> <sup>3</sup>									
Chickasaw Orphan Home .....	59	54	− 5	47	51	+ 4	180.00	171.44	− 8.56
Wapanucka Institute .....	79	80	+ 1	60	60		216.00	190.00	+ 86.00
Collins Institute .....	38	49	+ 11	38	40	+ 2	173.00	160.00	− 13.00
Harley Institute <sup>4</sup> .....	80	106	+ 26	75	72	− 3	176.00		
Bloomfield Seminary <sup>4</sup> .....	92			86	92	+ 6	176.00	152.44	− 23.56
<b>Total</b> .....	348			306	315		184.00		

Seminole Nation: No report from schools.

<sup>1</sup> Choctaws who attended public and private schools in the Chickasaw Nation, and whose tuition was paid at the rate of \$2 per month for each pupil.<sup>2</sup> About 10 per cent of the enrollment was day students, for whom the only expenditure was cost of books and tuition.<sup>3</sup> Chickasaw superintendent of schools failed to make any report on neighborhood schools.<sup>4</sup> Superintendent failed to make complete report.

**Denominational schools.**—The early history of the educational movement among these tribes was bound up in the mission and denominational work of the various churches. They were maintained in their infancy by contributions from the "States," but afterwards the different councils were induced to render aid by appropriations, which enabled these people to enlarge their plans and increase their efficiency. Finally the councils undertook the sole management, with the result as shown in previous reports of this department. Deprived of tribal aid, the churches instead of abandoning school work established and maintained for themselves other schools, many of which are considered the best in the Territory. Whites and Indians are admitted on equal terms to these schools, and are taught in the same classes. A fixed tuition fee is charged, although poor children are frequently admitted free.

These denominational schools are named and located in the following table:

TABLE 17.—*Denominational schools in Indian Territory, with location, name of principal, by whom established, and when.*

Name of school.	Location.	President or principal.	By whom established.	When established.
Hargrove College .....	Ardmore .....	Thos. G. Whitten .....	Methodist Church .....	1896
Tahlequah Institute .....	Tahlequah .....	Chas. A. Peterson .....	Presbyterian Church .....	1888
St. Josephs .....	Chickasaw .....	Sister Mary Cosma .....	Rev. Father Isadore .....	1900
Cherokee Academy .....	Tahlequah .....	J. C. Park .....	American Baptist Home Missionary Society.	1886
Whitaker Orphan Home .....	Pryor Creek .....	W. T. Whitaker .....	W. T. Whitaker .....	1897
Dwight Mission .....	Marble .....	F. L. Schaub .....	Presbyterian Church .....	1835
Chelsea Academy .....	Chelsea .....	G. A. Bearden .....	C. P. Church .....	
St. Agnes .....	Antlers .....	Sister M. Eugenia .....	Father Ketcham .....	1897
Episcopal School .....	Lehigh .....	Geo. Biller, Jr .....	Geo. Biller, Jr .....	1899
Willie Haisell College .....	Vinita .....	Theo. F. Brewer .....	M. E. Church South .....	1886
Nazareth Institute .....	Muskogee .....	Charles Van Hulse .....	Sisters of St. Joseph .....	1891
Henry Kendall College .....	do .....	A. Grant Evans .....	Presbyterian Board of Home Missions.	1894
Friends School .....	Hillside .....	Eva Watson .....	Orthodox Friends .....	1886
Spaulding Institute .....	Muskogee .....	C. M. Coppedge .....	M. E. Church South .....	1881

**Public schools.**—Considering the large white population of the Territory, it will be seen that public school facilities are utterly inadequate for the thousands of children who are growing up in ignorance and vice. The Curtis law made the first provision for these schools by allowing incorporated cities and towns to impose and levy a tax on personal property, including improvements on town lots, for support of schools to be established as provided in the laws of the State of Arkansas. These cities and towns are, however, prohibited from imposing or levying any tax on lands in such cities or towns "until after title is secured from the tribe." The limitation of taxation above referred to is placed at 2 per cent per annum for all purposes. It can thus be readily seen that the amount available for school purposes is utterly inadequate.

In 1900 there were 90 incorporated towns and cities in Indian Territory, ranging in population from 136 to 5,681. Many of these cities and towns have increased their number since the census was taken. About 12 towns have endeavored to organize public schools, with varying success on account of limited funds. It has been impossible to pay more than meager salaries, much less to build and equip modern school buildings. The superintendent of schools says that "the great majority of these towns are as yet absolutely unable to raise sufficient money by taxation to employ the necessary teachers." Many new villages are springing up all over the Territory, and under present conditions the lot of the white child is deplorable and pitiable.

The white children of this great and growing section are helpless and justice and humanity demands that some relief should be given.

The following table shows the public schools of the Territory:

TABLE 18.—*Table of public schools in Indian Territory, location, enrollment of whites, Indians, and negroes, and average attendance.*

School.	Enrollment.				Total average attendance.
	Whites.	Indians.	Negroes.	Total.	
Rush Springs.....	192	9	.....	201	99
Marietta.....	241	19	.....	260	191
Ardmore.....	964	20	214	1,198	923
Chickasha.....	653	1	63	717	373
Marlow.....	458	6	.....	464	284
Paula Valley.....	351	.....	.....	351	246
Purcell.....	499	22	85	606	427
Comanche.....	251	.....	.....	251	.....
Claremore.....	322	.....	15	337	166
Nowata.....	164	79	16	259	133
South McAlester.....	666	17	158	841	362
Tulsa.....	250	51	39	340	234
Eufaula.....	146	21	60	227	113
Checotah.....	235	31	.....	266	144
Wagoner.....	324	.....	61	385	.....
Wynnewood.....	400	23	70	493	.....
Muldrow.....	170	30	.....	200	150
McAlester.....	284	26	.....	310	132
Vinita.....	219	228	105	552	325
Total.....	6,789	583	886	8,258	4,302

**Private schools.**—The smaller towns of the Territory usually have private schools for the whites during a portion of each year. Superintendent Benedict calls attention to the fact that “it often happens that incompetent teachers, those who have failed in examinations or have been unable to secure positions, drift into these towns and ‘keep’ school as long as the people will allow them to remain,” but their terms are usually short.

The principal schools of this class, at which there is coeducation of the races, are shown in this table:

TABLE 19.—*Enrollment and average attendance at private schools in Indian Territory.*

Name of school.	Enrollment.			Total average attendance.
	Whites.	Indians.	Total.	
Caddo High School.....	89	53	142	51
The Public School.....	72	.....	72	60
Westville School.....	.....	.....	.....	.....
El Meta Christian College.....	95	28	123	98
Pryor Creek Academy.....	140	38	178	80
Total.....	396	119	515	289

**Scholastic population.**—The scholastic population of the Five Civilized Tribes is reported by the superintendent of schools as about 156,416 between the ages of 5 and 20 years, divided as follows: Whites, 119,144; Indians, 22,390; negroes, 14,888.

The following table gives this population by nation, tribe, and race:

TABLE 20.—*Scholastic population between ages of 5 and 20 years, inclusive, in Indian Territory.*

Nations.	Whites.		Indians.		Negroes.		Total.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Cherokee .....	18,422	12,606	5,556	5,663	1,809	1,994	20,787	20,263
Chickasaw .....	26,836	24,651	1,299	1,330	1,930	1,872	30,065	27,853
Choctaw .....	16,161	15,597	2,237	2,308	1,996	1,936	20,394	19,841
Creek .....	4,812	4,621	1,616	1,684	1,449	1,473	7,877	7,778
Seminole .....	243	196	341	356	208	215	792	766
Total.....	71,474	57,670	11,049	11,341	7,392	7,490	79,915	76,501

#### MINERAL LEASES.

The Choctaw and Chickasaw agreement reserves for the benefit of the citizens of the nations the coal and asphalt in and under the lands, and declares that it shall be and remain the common property of the tribes. It will be necessary to treat the leasing of lands for mineral purposes in three parts—one relating to the leasing of lands under that agreement, another to the leasing of lands under section 13 of the Curtis Act, and another under the Creek agreement confirmed by the act of the Creek council May 25, 1901.

**Choctaw and Chickasaw leases.**—The Choctaw and Chickasaw agreement provides for the appointment of two mineral trustees, who shall have supervision and control of the leasing of coal and asphalt lands. These trustees are to be appointed by the President, one to be a Choctaw by blood, to be appointed on the recommendation of the principal chief of the Choctaw Nation, the other to be a Chickasaw by blood, and to be appointed on the recommendation of the governor of the Chickasaw Nation.

The principal chief of the Choctaw Nation nominated Napoleon B. Ainsworth and the governor of the Chickasaw Nation nominated Lemuel C. Burris. These gentlemen entered on their duties about December 1, 1898. All of their official acts are subject to the approval of the Department. The personnel of the trustees was changed during the year, Lemuel C. Burris retiring by reason of the expiration of his term, and upon the recommendation of the governor of the Chickasaw Nation Charles D. Carter was appointed to succeed him.

October 7, 1898, the Department prescribed regulations governing the leasing of coal and asphalt lands in the Choctaw and Chickasaw nations, and established the rate of royalty that should be paid under such leases. As these regulations were modified in many particulars at various times, the Department, May 22, 1900, caused them to be reprinted as modified.

*Coal.*—Since my last annual report coal leases in the Choctaw and Chickasaw nations have been submitted by this office and approved by the Department as follows:

1. Two leases in favor of the Samples Coal and Mining Company, submitted October 2, 1900; October 4, 1900, the Department approved lease No. 1 and disapproved lease No. 2.

2. One lease with the McAlester-Galveston Coal Mining Company, submitted October 8, 1900, and approved October 18, 1900.

3. One lease with H. Newton McEvers, submitted October 11, 1900, and approved October 18, 1900.

4. Six leases with Degnan and McConnell, submitted November 13, 1900; November 16, 1900, the Department approved leases numbered 1, 2, and 3 and disapproved those numbered 4, 5, and 6.

5. One lease with the Folsom-Morris Coal Mining Company, submitted November 19, 1900, and approved November 22, 1900.

6. One lease with the Ozark Coal and Railway Company, submitted April 5, 1900, and approved December 10, 1900. The delay in the approval of this lease was caused by the absence of certain certificates that were required to be attached to the lease on account of a change that had been made in the lease form subsequent to the date when the lease was prepared.

7. Two leases with the St. Louis-Galveston Coal Mining Company, submitted January 12, 1901, and approved January 14, 1901.

8. One lease with the Missouri, Kansas and Texas Coal Company, submitted January 26, 1901, and approved February 12, 1901.

9. Seven leases with the Osage Coal and Mining Company, submitted January 30, 1901, and approved May 7, 1901.

10. Seven leases with the Atoka Coal and Mining Company, submitted May 1, 1901, and approved May 7, 1901.

11. One lease with the Devlin-Wear Coal Company, submitted March 20, 1901, and approved June 17, 1901.

The above 26 coal-mining leases, with the 55 coal leases mentioned in my last report, make 81 leases approved since the passage of the Curtis Act. Of these, the lease with Edmund McKenna and Charles H. and Eldredge C. Amos, approved October 24, 1899, has been canceled. It proved to be an unprofitable venture and the lessees desired to surrender their lease; also, one lease with the Central Coke and Coal Company, which was approved August 27, 1900, was canceled at the request of the company for the same reasons. There are, therefore, at this time 79 approved leases of coal lands in the Choctaw and Chickasaw nations.

The rate of royalty on coal mined is still the same as was fixed by the Department March 1, 1900, to wit, 8 cents per ton of 2,000 pounds, mine run.

During the year royalties on coal amounting in the aggregate to \$198,449.35 have been collected.

Prominent coal operators in February last requested the Department to exempt from liability for royalty coal generally known as "boiler coal." This coal, it seems, is used in generating steam and for general purposes in connection with the operation of mines. The Department considered the matter, and held, by letter of July 20, 1901, to Inspector Wright, that—

While the twenty-ninth section of said act of June 28, 1898, gives the Secretary of the Interior power to reduce or advance royalties on coal and asphalt, the Department considers the amount of royalty now required fair, and that the regulations are in accordance with the law, which requires royalty on all coal mined.

The question of competition and its effect on the different companies operating in the Indian Territory is one for the companies and not for the Department.

Concurring in the recommendation of the Commissioner, you are directed to promptly advise all coal operators in the Choctaw and Chickasaw nations that they must pay royalty on all coal taken from mines by them, regardless of whether the coal produced is sold or is used for operating purposes.

*Asphalt.*—There are six approved leases for the purpose of mining asphalt in the Choctaw and Chickasaw nations—three mentioned in my last annual report and three approved since that date, as follows:

1. One lease with the Downard Asphalt Company, submitted August 29, 1900, and approved October 18, 1900.
2. One lease with Morris and Abraham Schneider, submitted November 20, 1900, and approved November 23, 1900.
3. One lease with the Tar Spring Asphalt Company, submitted January 12, 1901, approved May 12, 1901.

During the fiscal year the royalty from asphalt mined in the Choctaw and Chickasaw nations amounted to \$1,214.20.

The Choctaw and Chickasaw agreement confirms all national contracts covering coal or asphalt lands in said nations upon which actual operations were being conducted April 23, 1897, the date of the agreement, and the following persons and companies are operating under such national contracts: Caston Coal Company, Perry Brothers, R. Sarlls, M. Perona, J. B. McDougall, Turkey Creek Coal Company, Capitol Coal and Mining Company, Southwestern Coal and Improvement Company, Kansas and Texas Coal Company, Hailey Coal and Mining Company.

*Other minerals.*—No lease of any mineral other than coal and asphalt has been granted of lands in the Choctaw and Chickasaw nations, it having been held by the assistant attorney-general for the Department, in an opinion rendered May 11, 1900, as stated in my last annual report, that the Department was not authorized by the provisions of the agreement to lease any mineral other than coal and asphalt "except as an assurance of rights under a lease of oil or other mineral assented to by act of Congress."



*Conflicting applications.*—George D. Moulton made application to the inspector for a lease of certain lands in the Choctaw Nation. C. H. Nash desired to lease part of the same lands. These conflicting applications came on for a hearing before the inspector, and Moulton submitted, among other things, a national contract with the national agent for the Choctaw Nation, dated March 19, 1898, but it was not signed by the national agent of the Chickasaw Nation. Nash claimed that he was entitled to a lease for the reason that he and his associates had discovered the mineral presumed at the time of its discovery to be coal.

The inspector, after considering the evidence submitted by each, held, October 13, 1900, that neither of the parties was, as a matter of right, entitled to a lease, for the reason that neither of their alleged rights to a lease came within the provisions of the Choctaw and Chickasaw agreement confirming national contracts covering lands in actual operation at the date of the agreement.

From the inspector's decision an appeal was taken to this office. The parties to this controversy were granted an oral hearing November 10, 1900. Mr. Nash did not argue his side of the controversy; neither was he present in person or represented by attorney. After having listened to the argument on behalf of Mr. Moulton and having thoroughly considered the controversy, November 16, 1900, the decision of the inspector was affirmed.

January 31, 1901, A. J. Webb, of St. Louis, Mo., filed a motion with this office for a rehearing on the ground of newly discovered evidence, and submitted affidavits and letters of certain parties which he alleged supported his motion. February 11, 1901, after carefully considering the papers filed, the office concluded that the position taken by Mr. Webb was untenable, and that if all of the alleged newly discovered evidence had been before the "trial court" for consideration at the original hearing the "trial court" would not have arrived at a different conclusion. The motion was therefore denied. From this no appeal was taken.

*Cherokee leases.*—No leases for the mining of any mineral in the Cherokee Nation have been granted. The Department has power, under the provisions of section 13 of the Curtis Act, to grant leases for the mining of coal, asphalt, and other minerals in and under the lands of said nation; but as there is no agreement with the Cherokees relative to the distribution of their lands in severalty among the members of the nation, the Department has not as yet exercised its power under the provisions of that act.

My last annual report gave the status at that time of the applications of the Cherokee Oil and Gas Company and others for oil leases covering tracts of 640 acres each, amounting in the aggregate to about

153,000 acres of land in the Creek and Cherokee nations. The Cherokee Oil and Gas Company on March 29, 1901, filed with the Department a supplemental petition relative to its applications. By Department direction of July 11 all of the parties in interest, so far as lands in the Cherokee Nation were concerned, were advised that they would be accorded thirty days from that date within which to make such showing in writing as they deemed proper. The parties notified were the Cherokee Oil and Gas Company, Hon. T. M. Buffington, principal chief of the Cherokee Nation; Richard C. Adams, delegate representing the Delaware Indians, and his attorney, Walter S. Logan. July 30, 1901, the Department directed this office to advise the parties in interest that they would have until September 11 in which to file written briefs and arguments. The office is informally advised that the parties in interest were informed by the Department that the time could be further extended until October 7, 1901. The matter has not, therefore, been finally passed upon by the Department.

Some few parties have been granted temporary permission to mine coal on Cherokee lands. Where coal is mined under this temporary permission the operators are required to pay a royalty of 8 cents per ton, mine run, which is placed to the credit of the nation.

**Creek leases.**—The Creek agreement, ratified by the act of Congress approved March 1, 1901, was, except section 36, confirmed by the national council of the Creek Nation May 25. This agreement contains no provision relative to the leasing of lands for mineral purposes in that nation, and section 41 specifically declares that section 13 of the Curtis Act shall not in any manner whatsoever affect the lands and other property of the Creek tribe of Indians or be in force in the Creek Nation after the ratification of the agreement.

Prior to the adoption of the agreement several parties had been granted temporary permission to mine coal on Creek lands. July 19, 1901, the office recommended that Inspector Wright, who, with the consent of the Department, had granted these temporary permits, be instructed to cancel them. This recommendation was made, believing that the interests of the citizens of the Creek Nation in the matter of the distribution of their landed estate under the provisions of the Creek agreement would be best subserved by preventing the mining of coal in or under the land until such time as the estate should be finally distributed. This recommendation was approved by the Department July 23 and the inspector instructed accordingly.

September 4, 1901, Inspector Wright transmitted a communication from E. H. Brown, agent for the Kansas and Texas Coal Company, requesting permission to mine coal on certain lands in the Creek Nation. Mr. Brown had, since September, 1899, mined coal on the land in question under temporary permission issued by the inspector, which permit the inspector, acting under Department instructions of July 23, had

canceled. This company, through its agent, made application for a renewal of the temporary permit, and produced a contract signed by the Creek citizen in possession of the lands in which it was set forth that he claimed these lands as his allotment. The company also showed that since the date on which the permit was originally granted it had expended in the construction of its plant about \$35,000; that to stop the work would render the plant of little value; that the mining theretofore carried on had all been surface mining, and alleged that it would be detrimental to the interests of the Indians as well as to the company to cease taking out coal.

After a careful consideration of the matter, in a report dated September 10, the office recommended that the inspector be authorized to grant the company permission to continue mining operations on the land in question, and that the contract between it and the allottee be construed as the consent of the allottee to the coal being mined. It was further recommended that the royalty derived from the coal mined be paid to the United States Indian agent and by him placed to the credit of the land and so held until such time as a final distribution of the Creek estate should be made. September 11 the Department concurred in office recommendations and advised the inspector accordingly.

#### COLLECTION OF REVENUES.

Under the laws of the different nations noncitizens residing and doing business within the limits of any nation are required to pay certain taxes for the privilege of so doing. Failure or refusal to pay such tribal tax by noncitizens subjects them to removal by the Department under the provisions of section 2149 of the Revised Statutes of the United States. The refusal of noncitizens to pay this tax has caused considerable friction and because of their refusal many noncitizens have been removed from the different nations.

The only tax or royalty collected by the Department in the Choctaw and Chickasaw nations is that arising from coal and asphalt. All tribal taxes are collected by the tribal authorities. In the Creek and Cherokee nations all taxes are collected by officers of the Department. From July 1, 1900, to June 30, 1901, the sum of \$30,827.60 was collected for taxes and royalty of all kinds in the Creek Nation. In the Cherokee Nation the total amount collected during the same period was \$19,392.65.

#### TOWN SITES.

In my last annual report mention was made of the appointment of four town-site commissions, one for the Choctaw Nation, consisting of John A. Sterrett, of Ohio, and Mr. Butler S. Smiser, of Atoka, Ind. T.; one for the Chickasaw Nation, consisting of Samuel N. John-

son, of Troy, Kans., and Wesley Burney, of Ardmore, Ind. T.; one for the town of Muskogee, Creek Nation, consisting of Dwight W. Tuttle, of Connecticut, and John Adams and Benjamin Marshall, of the Indian Territory, and one for the town of Wagoner, consisting of Dr. Henry C. Linn, of Washington, D. C., and John Roark and Tony Proctor, of the Indian Territory.

At first these commissions reported directly to and received their instructions from this office. But on account of the distance the office encountered much difficulty in supervising their work, and early in March, 1900, it recommended that they be instructed to report to and be under the direct supervision of the United States Indian inspector for the Indian Territory. March 26, 1900, the Department approved this recommendation. Since that time the commissions have reported to the inspector, who in turn transmits to the Department through this office such of their reports as he considers necessary.

**The Choctaw town-site commission** commenced work at the town of Sterrett May 31, 1899. The work was completed early in August, 1899, and the commission then removed to Atoka. The work at Atoka was completed early in November, 1899, and about November 8 of that year the commission commenced work at South McAlester. The commission has completed the surveying and platting of South McAlester and has also supervised the platting of the towns of Guertie, Kiowa, Calvin, and Poteau, the last four having been surveyed and platted at the expense of the towns.

**The Chickasaw town-site commission** surveyed and platted the town of Colbert and commenced work at Ardmore about September 7, 1899. Early in February, 1901, the commission submitted for Department consideration a plat of the town of Ardmore. It was ascertained that this plat was inaccurate and that it would be necessary to make a resurvey of the entire town; the commission was therefore furloughed February 14, 1901. The act of May 31, 1900 (31 Stats., 221), authorizes the Secretary of the Interior, under rules and regulations to be prescribed by him, "to survey, lay out, and plat into town lots, streets, alleys and parks the sites of such towns and villages" in the different nations which have a population of 200 or more. In accordance with this act Ardmore was resurveyed, under the supervision of the inspector until about July 17, 1901, when Arthur W. Hefley, of Downs, Kans., who had been appointed chairman of the commission to succeed Mr. Johnson, reported for duty. The plat of Ardmore has not yet been submitted for final consideration.

**Muskogee town-site commission.**—August 25, 1900, the United States district court for the northern district of the Indian Territory, on the application of the principal chief of the Creek Nation, in conjunction with N. B. Moore, a citizen of the nation, granted an injunction

restraining the commission from advertising for sale or selling any lots in Muskogee under the Curtis Act. Shortly thereafter the Department furloughed the members of the commission indefinitely, without pay.

The plat of the town had been approved June 4, 1900. The commission was recently reinstated and the work of disposing of the lots, which is now being done under the provisions of the Creek agreement, is progressing satisfactorily.

**Wagoner town-site commission.**—The plat of the town of Wagoner, prepared by this commission, was approved October 19, 1900, but in view of the action of the court in the Muskogee case, no steps were taken to sell any of the lots under the Curtis Act, and on April 23, 1900, the commission was furloughed indefinitely, without pay. This commission has also been recently reinstated and is now proceeding with the work of disposing of the lots in Muskogee under the Creek agreement.

**Surveys of towns.**—The act of May 31, 1900 (31 Stats., 221), provides that the surveying, laying out, and platting of town sites shall be done by competent engineers. In addition to the surveyors who had previously been appointed by the Department for town-site work, the following surveyors have been appointed during the year: John G. Joyce, jr., John F. Fisher, E. E. Colby, Henry M. Tinker, M. Z. Jones, J. T. Payne, Frank Hackelmann, C. E. Phillips, S. T. Emerson, F. H. Boyd, and Charles L. Wood. These surveyors entered on duty at different dates between July 13, 1900, and March 22, 1901. Mr. Mark Kirkpatrick, who had previously been surveyor for the Choctaw town-site commission, has been engaged in regular town-site work, under the supervision of Inspector Wright, since December 14, 1900.

The exterior limits of the following-named towns have been established:

In the Choctaw Nation, the towns of—

Enterprise.	Grant.	Canadian.	Redoak.
Wilburton.	Wister.	Coalgate.	Spiro.
Heavener.	Howe.	Stigler.	Cowlington.
Whitefield.	Antlers.	Talihina.	Durant.
Hoyt.	Allen.	Tamaha.	
Krebs.	Lehigh.	Cameron.	
Wapanucka.	McAlester.	Caddo.	

In the Chickasaw Nation, the towns of—

Comanche.	Hickory.	Center.	Stonewall.
Ada.	Leon.	Oakland.	Terral.
McGee.	Ryan.	Davis.	Cumberland.
Minco.	Sulphur.	Earl.	Roff.
Orr.	Tishomingo.	Erin Springs.	Pauls Valley.
Berwyn.	Minco.	Kemp.	Cornish.
Durwood.	Chickasha.	Wynnewood.	Connerville.
Emet.	Ravia.	Purcell.	Paoli.
Lebanon.	Marietta.	Pontotoc.	
Lonegrove.	Marlow.	Silo.	
Duncan.	Mannsville.	Johnson.	

## In the Cherokee Nation, the towns of—

Grove.	Choteau.	Webbers Falls.	Centralia.
Adair.	Hanson.	Vinita.	Nowata.
Welch.	Afton.	Oologah.	Claremore.
Bartlesville.	Chelsea.	Ramona.	Sallisaw.
Fairland.	Muldrow.	Talala.	Collinsville.
Bluejacket.	Vian.	Pryor Creek.	
Fort Gibson.	Tahlequah.	Stillwell.	
Catoosa.	Westville.	Lenapah.	

## In the Creek Nation, the towns of—

Clarksville.	Checotah.	Holdenville.	Sapulpa.
Okmulgee.	Eufaula.	Bristow.	Tulsa.

In the Choctaw Nation the plats of the following towns have been approved:

Antlers.	Tamaha.	Cameron.	Talihina.
Caddo.	Whitefield.	Enterprise.	Howe.
Grant.	Calvin.	Hoyt.	Guertie.
Poteau.	Kiowa.	Redoak.	South McAlester.

In the Chickasaw Nation the plats of Woodville and Silo have been approved.

None of the towns in the Cherokee Nation have yet been surveyed and platted, and in the Creek Nation only Muskogee, Wagoner, and Mounds have been surveyed and platted.

**Segregating land for town sites.**—The Indian appropriation act of May 31, 1900, authorizes the Secretary of the Interior, upon the recommendation of the commission to the Five Civilized Tribes, to segregate land for town-site purposes in the Choctaw, Chickasaw, Creek, and Cherokee nations “at such stations as are or shall be established in conformity with law on any line of railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of lands therein.” September 12, 1900, the commission recommended that land for town-site purposes in the Creek Nation be segregated at the following stations: Mounds, 160 acres; Beggs, 160 acres; Okmulgee, 160 acres; Winchell, 160 acres; Henrietta, 157.13 acres; Alabama, 80 acres; Wetumka, 160 acres; and Yager, 120 acres; also in the Chickasaw Nation at the following stations: Francis, 160 acres; Ada, 160 acres; Rolf, 160 acres; Scullen, 160 acres; Bryant, 155.45 acres; Ravia, 157.02 acres; Madill, 160 acres; Helen, 156.09 acres; Woodville, 160 acres; and Gray, 80 acres.

The lands were segregated by the Department, but the Department afterwards decided that land for the town site of Gray, in the Chickasaw Nation, should not have been segregated, inasmuch as it appeared that a town would never be built there. Therefore, July 31, 1901, the Department revoked its former action in segregating land for town-site purposes at that station.

May 24, 1901, the commission recommended that certain lands in the Creek Nation be segregated for town-site purposes at stations on the Missouri, Kansas and Texas Railway known as Oktaha and Summit, and May 27, 1901, it recommended that lands in the Creek Nation be reserved from allotment for town-site purposes for the stations known as Mazie, Rosedale, Blackstone, Ross, Halls, Leliaetta, Gibson Station, Inola, Kelleyville, Taneha, and Red Fork. Some of these stations are located on the St. Louis and San Francisco Railroad, while others are on the Arkansas Valley Railroad and the Missouri, Kansas and Texas. In these recommendations the office concurred. The Department afterwards instructed the commission to report specifically why, in its opinion, lands should be segregated at the points named, and subsequently refused to segregate land at the stations of Oktaha and Summit. So far as the office is advised, it has not yet acted upon the commission's recommendation as to the other stations named.

#### TIMBER.

The act of June 6, 1900 (31 Stats., 660), authorized the Secretary of the Interior to prescribe rules for the procurement of timber and stone for domestic and industrial purposes from lands of the Five Civilized Tribes. It provides that the full value of the timber shall be paid, and prescribes as a penalty a fine of not more than \$500 or imprisonment for not more than twelve months, or both, for the cutting, sale, or removal of any timber contrary to the provisions of the act or the regulations to be prescribed thereunder. This act is published in full in my last annual report, as are also the regulations prescribed under its provisions.

During the year the following contracts for the procurement of timber and stone have been approved:

December 11, 1900, a contract in favor of Osgood & Johnson, St. Elmo, Ill., for the procurement of 200,000 ties from the Creek and Chickasaw lands.

May 7, 1901, a contract with William N. Jones, of Fayetteville, Ark., for the procurement of 450,000 ties from lands in the Choctaw and Chickasaw nations.

May 20, 1901, a contract in favor of Bernard Corrigan, of Kansas City, Mo., for the procurement of 8,000 cubic yards of sandstone and 100,000 linear feet of timber for piling, and 500,000 feet B. M. of timber for bridges from lands in the Choctaw and Chickasaw nations.

July 20, 1901, a contract with the Missouri, Kansas and Texas Railway Company for the purchase of about 200,000 cubic yards of stone ballast, to be taken from section 1, township 1 north, range 12 east.

No contracts for the procurement of timber or stone from any of the lands of the Five Civilized Tribes except those above mentioned have been entered into. April 27, 1901, the regulations were modified

so as to permit of the sale of timber in the Indian Territory for "props and caps for mines and ties and pilings for railroads" only.

#### COMMISSION TO THE FIVE CIVILIZED TRIBES.

No change was made in the personnel of the commission during the year. It consists at this time of Hon. Henry L. Dawes, of Massachusetts; Tams Bixby, esq., of Minnesota; Thomas B. Needles, esq., of Illinois, and Hon. Clifton R. Breckenridge, of Arkansas.

The commission was originally organized under the authority contained in section 16 of the act of March 3, 1893 (27 Stats., 612-645), which authorized the appointment of commissioners to enter into negotiations with the Cherokee, Choctaw, Chickasaw, Creek, and Seminole nations—

for the purpose of the extinguishment of the national or tribal title to lands within the territory now held by any or all of said nations or tribes, either by cession of the same or some part thereof to the United States or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, etc.

A clause in the Indian appropriation act approved June 10, 1896 (29 Stats., 221-339), directed the commission to hear and determine the applications of all persons who might apply to it for citizenship in any of the Five Civilized Tribes, and provided that such applications should be made to the commission within three months from the date of the passage of the act, and further—

That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

A clause contained in the act of June 7, 1897 (30 Stats., 62-84), required the commission to investigate and report whether "Mississippi Choctaws under their treaties are not entitled to all rights of Choctaw citizens except an interest in the annuities."

The act of June 28, 1898 (30 Stats., 495), generally known as the Curtis Act, required the commission to identify the Mississippi Choctaws, and also to make a roll of all the citizens of each nation, and to distribute the property belonging to the various tribes, per capita, according to value.

A clause in the Indian appropriation act approved May 31, 1900 (31 Stats., 221), declared that the commission should continue to exercise all authority theretofore conferred upon it by law, and provided that it should not—

receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized



citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior.

This clause also provides—

That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void.

Another paragraph in that act authorized the Secretary of the Interior, upon the recommendation of the Commission to the Five Civilized Tribes, to set aside and reserve from allotment lands in the Choctaw, Chickasaw, Creek, or Cherokee nations for town-site purposes, not exceeding, however, 160 acres in any one tract.

The Indian appropriation act approved March 3, 1901 (31 Stats., 1058), provides, among other things, that—

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

#### CITIZENSHIP IN THE FIVE TRIBES.

**Mississippi Choctaws.**—Section 21 of the Curtis Act provides that:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

The commission, with its reports of December 3, 1900, and March 4 and June 15, 1901, transmitted the record in the cases of 161 Mississippi Choctaws, whom, under the provisions of the Curtis Act and the Indian appropriation act of May 31, 1900, it had refused identification.

April 13, 1901, this office forwarded the record in one of the cases, that of Lizzie Woodward, to the Department, and took the position that the examination of the applicant by the commission had not been as exhaustive as it should have been, and recommended that the record be returned to the commission. The Department concurred, and June 10 returned the record to the commission, with instructions to advise the claimant of its action, and to afford her an opportunity to present such further testimony as she might be able to produce.

After having carefully examined the records in all of the Mississippi Choctaw cases pending, the office reported to the Department June 18 that it was not believed that any of them would meet the requirements laid down in office report of April 30, 1901, concurred in by the Department June 10; it was therefore recommended that the cases whose record this office did not consider sufficient for the Department to act upon be returned to the commission. This was authorized by the Department June 21. Of the 161 Mississippi Choctaw cases, 141 have been returned to the commission (12 of them through the Department), 6 have been forwarded to the Department with the recommendation that the commission's action be approved, and 14 are pending in this office.

**Choctaws by blood.**—December 3, 1900, and February 15 and June 15, 1901, the commission transmitted the records in 52 cases wherein the applicants claimed to be Choctaws by blood. These records were forwarded to the Department with recommendation that the decisions of the commission be approved. The commission's action in 39 cases has been approved, 13 not having yet been acted on by the Department.

**Chickasaws by blood.**—December 3, 1900, the commission transmitted the records pertaining to the application of 10 persons for enrollment as Chickasaw citizens by blood, which the commission, under the provisions of the act of May 31, 1900, had refused to enroll. These cases were transmitted to the Department with recommendation that the action of the commission be approved. The Department has acted upon 9 cases and sustained the commission's decision.

**Cherokee cases.**—The commission, May 28 last, forwarded the records pertaining to the application of 158 persons who desired to be enrolled as citizens of the Cherokee Nation. The records in 156 of those cases have been forwarded to the Department with recommendation that the action of the commission in refusing to enroll the applicants be sustained, and 2 cases have been returned to the commission for further hearing and consideration. The Department has approved the action of the commission in 73 cases and has not yet acted upon the remainder.

**Creek cases.**—May 2, 1901, the commission transmitted the records in 10 cases, and May 20, 1901, the records in 20 cases, wherein the parties had made application for enrollment and had been refused. All of these have been transmitted to the Department for consideration; 9 have been returned to the commission for further hearing. In 14 cases the commission's action in refusing to enroll the applicants has been sustained and 7 cases, which the office recommended be returned to the commission for further hearing, have not yet been acted upon by the Department.

Early in June last Warwick Moore, of Fort Scott, Kans., forwarded to the office an application in the form of an affidavit for

enrollment as a member of the Creek tribe of Indians. Section 28 of the Creek agreement provides, among other things, that—

no person except as herein provided shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement.

This application was forwarded to the Department July 8, with the recommendation that the applicant be advised that the Department had no authority to grant him relief under existing law.

**Seminole rolls and citizenship.**—December 26, 1900, the commission transmitted the complete Seminole roll. January 11, 1901, the office forwarded the roll to the Department with the recommendation that it be approved after the commission's action relative to enrolling certain persons with the Seminoles and refusing to enroll others had been explained.

The roll as prepared by the commission shows the names of 1,899 citizens of the Seminole Nation by blood and 858 Seminole freedmen, making in the aggregate 2,757 citizens of that nation.

The Curtis Act declares:

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere.

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

In July, 1899, Sam Mahasdy complained to this office that while his father was a Chickasaw and his mother a Seminole by adoption, yet the commission had refused to enroll him and his brothers with the Chickasaws, although it had so enrolled his father. In forwarding the Seminole roll the office stated that the name Samuel Mahasdy was not found thereon, but that the name Samuel Mahardy, which did appear, probably referred to the same person, and it was recommended that the commission be called upon to explain why it had enrolled him with the Seminoles when he desired to be enrolled with the Chickasaws. The Department concurred, and January 12, 1901, the commission was instructed to furnish the information called for.

But seven applicants for enrollment as Seminoles were refused by the commission. The commission's action in these cases was sustained by the Department and the roll of the Seminole Nation, which was made by the commission as of date December 15, 1900, was approved by the Department April 2, 1901. The commission's action in enrolling Samuel Mahardy with the Seminoles was also sustained.

## ALLOTMENTS.

**Seminole.**—The Seminole agreement, approved by the act of July 1, 1898 (30 Stats., 567), declares that—

All lands belonging to the Seminole tribe of Indians shall be divided into three classes, designated as first, second, and third class; the first class to be appraised at five dollars, the second class at two dollars and fifty cents, and the third class at one dollar and twenty-five cents per acre, and the same shall be divided among the members of the tribe, so that each shall have an equal share thereof in value so far as may be, the location and fertility of the soil considered; giving to each the right to select his allotment so as to include any improvements thereon owned by him at the time.

The Seminole agreement, approved by the act of June 22, 1900 (31 Stats., 250), is in part as follows:

First. That the Commission to the Five Civilized Tribes, in making the rolls of Seminole citizens, pursuant to the act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, shall place on said rolls the names of all children born to Seminole citizens up to and including the thirty-first day of December, eighteen hundred and ninety-nine, and the names of all Seminole citizens then living, and the rolls so made, when approved by the Secretary of the Interior as provided in said act of Congress, shall constitute the final rolls of Seminole citizens upon which the allotments of lands and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons.

Second. If any member of the Seminole tribe of Indians shall die after the thirty-first day of December, eighteen hundred and ninety-nine, the lands, money, and other property to which he would be entitled, if living, shall descend to his heirs who are Seminole citizens, according to the laws of descent and distribution of the State of Arkansas, and be allotted and distributed to them accordingly.

The commission reported June 17, 1901, that the lands of the Seminole Nation had been appraised, and that the total appraised value thereof was \$851,266.46, thus making the standard value of an allotment \$308.76. With that report were forwarded letters of May 29 and June 10, 1901, from the commission to Frederick T. Marr, chief of the commission's allotment office at Wewoka, Seminole Nation, instructing him in the matter of making allotments to Seminole citizens. June 26, in transmitting the report, this office approved the instructions given by the commission as to Seminole allotments and the Department concurred July 1.

June 6 last the commission asked to be advised whether or not the Department considered it the duty of the commission to distribute among his heirs the land to which a deceased Seminole would be entitled if he were living. The commission gave it as its opinion that it was "required to allot to the heirs, and hence must by a proper proceeding first determine the heirs, meanwhile reserving the land to be disposed of." July 16 the office transmitted the commission's report to the Department, and expressed the opinion that whatever land any Seminole who died since December 31, 1899, would be entitled to if

living should be allotted to his heirs generally, without mentioning what heirs, and that the duty of determining who are the proper heirs devolves upon the courts and not upon the commission.

Upon a similar inquiry of the same date, relative to allotting lands to the heirs of deceased Creek citizens, the office took the same position. In both instances it was approved by the Department July 25, 1901.

It is understood that up to and including August 31, 1901, the commission had made allotments to 1,842 of the 2,757 Seminole citizens.

**Choctaw and Chickasaw.**—No allotments, prospective or otherwise, have, so far as this office has been advised, been made in the Choctaw and Chickasaw nations. The Choctaw and Chickasaw agreement declares that—

each allottee shall select from his allotment a homestead of one hundred and sixty acres, for which he shall have a patent, and which shall be inalienable for twenty-one years from the date of the patent.

August 23, 1900, the commission asked questions relative to making allotments in the Choctaw and Chickasaw nations, as follows:

First. Shall a Choctaw or Chickasaw Indian be allotted one hundred and sixty acres as his homestead irrespective of the value of the same, or shall he be allotted one hundred and sixty acres as a homestead, providing that the same does not exceed his fair and equal share of the lands of these two nations, considering the character and fertility of the soil and the location and value of the land?

Second. Are Choctaw and Chickasaw freedmen to be allotted forty acres of the lands of these two nations irrespective of value of the same as his homestead right, or are they to be allotted a tract of land equal in value to forty acres of the average land of these two nations?

The commission's report was forwarded to the Department August 31, 1900, and September 6 the matter was referred by the Department to the Assistant Attorney-General for the Interior Department for his opinion upon the questions propounded. January 15, 1901, the Assistant Attorney-General rendered an opinion, which was approved by the Department the same date.

With reference to the first question, he said:

The provision that all the lands belonging to the Choctaws and Chickasaws shall be allotted to the members of said tribes "so as to give to each member of these tribes, so far as possible, a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands," is manifestly the main feature of the agreement in respect to the division of the lands, and controls the provision that "each allottee shall select from his allotment a homestead of one hundred and sixty acres." This homestead is to be selected by the allottee *from his allotment*, and the allotments are to be made so as to effect an equal distribution of the value of the lands. It was evidently assumed that in this distribution each Indian will receive more than one hundred and sixty acres, and hence the direction that he "shall select from his allotment a homestead of one hundred and sixty acres," but this assumption as to the probable acreage of the several allotments can not be given such effect as to defeat or modify the general plan of dividing the lands according to

their value. I think that the selection of a homestead is secondary or subordinate to the making of the allotment, and that it is only when the allotment equals or exceeds in area one hundred and sixty acres that the full complement allowed as a homestead may be selected from the allotment.

Concerning the second question, the Assistant Attorney-General held that—

The provision "that the said Choctaw and Chickasaw freedmen, who may be entitled to allotments of forty acres each, shall be entitled each to land equal in value to forty acres of the average land of the two nations," conforms to, and tends to intensify, the controlling intention of the agreement that the allotment or division of the land shall be made according to value rather than according to acreage. That the lands allotted to the freedmen are to be appraised is especially shown by this provision and by the direction that they shall be deducted from the body of lands to be allotted under the agreement "so as to reduce the allotment to the Choctaws and Chickasaws by the value of the same." Their value can only be ascertained by appraisement, and the only purpose in their appraisement is to enable an allotment thereof to be made according to value. It seems to me to be intended that each freedman entitled to an allotment shall receive land which in value equals "forty acres of the average land of the two nations"—that is, land the value of which neither exceeds nor falls short of what would be the value of forty acres if the lands to be allotted were all of the average value ascertained by the appraisement.

The treaty of April 28, 1866, contemplated the making of allotments among the Indians and freedmen on an acreage basis, irrespective of value, but the agreement ratified by the act of June 28, 1898, provided a different basis, as herein indicated, and is therefore controlling.

No allotments have been made except such as have been made to the Seminoles and those which were made to the Creeks prior to the adoption of the Creek agreement and which are, "so far as there is no contest," approved by section 6 of that agreement.

**Conflicting allotments in Creek Nation.**—Many contests between Creek citizens in the selection of their prospective allotments have been filed with the commission. In some cases the unsuccessful applicant has appealed to this office from the decision of the commission, and again from this office to the Department. The decisions of the commission have as a general thing been sustained by this office, and the decisions of this office have been generally sustained by the Department, except in a certain line of cases which involved the question as to whether or not the setting of posts or the driving of stakes was occupying lands within the meaning of the law. The office held that the setting of posts or the driving of stakes without further action on the part of the claimant did not reduce the land to possession. The Department, however, held otherwise.

#### AGREEMENTS.

March 18, 1900, the commission entered into an agreement with representatives of the Creek Nation relative to the distribution of the lands in severalty to the members of the nation and April 9, 1900, it entered

into an agreement with representatives of the Cherokee Nation for the same purpose. These agreements were both ratified by acts of March 1, 1900, and can be found in 31 Statutes at Large, pages 861 and 848, respectively.

The Creek agreement except section 36 was approved by the Creek council May 25, 1901, and the President issued his proclamation June 25, 1901, declaring that the agreement had been duly confirmed and that all of its provisions had become law.

The Cherokee agreement provided that it should be of full force and effect "if ratified by a majority of the votes cast by the members" of the tribe at an election to be held for that purpose. This agreement was defeated April 29, 1901.

Immediately after the rejection of the agreement the council of the Cherokee Nation at a special session, passed an act, which was approved by the principal chief May 11, 1901, which provided for the appointment of a commission to negotiate with the commission to the Five Civilized Tribes relative to framing another agreement pertaining to the distribution of the lands and other property of the Cherokee Nation among its citizens. The act was submitted to the Department May 31 by Inspector Wright for the approval of the President. Office report of June 8 recommended that it be not approved, since an agreement dated January 14, 1899, with the Cherokee Nation, which had been confirmed by the nation and submitted to Congress, had failed to receive action by Congress, and since the ratified agreement of April 9, 1900, had been defeated by the Cherokees. This act of the council was disapproved by the President June 11, 1901.

There is at this time no agreement between the Government and the Cherokee Nation relative to the distribution of the land and other property of that nation among its individual citizens, and all work in the Cherokee Nation under the jurisdiction of the Dawes Commission, or other officers stationed in the Indian Territory, is being carried on under the provisions of the Curtis Act and subsequent acts of Congress.

February 7, 1901, the Commission to the Five Civilized Tribes entered into an agreement with the Choctaws and Chickasaws for the purpose of fixing a date after which no name should be added to the rolls of the Choctaw and Chickasaw nations; but the agreement not only fixed that date but treated of other matters also. The agreement was forwarded to this office by the Department February 15, 1901, and was informally returned to the Department February 21, at which time its provisions, and especially the unsatisfactory ones, were fully discussed by the Assistant Attorney-General on the part of the Department, Mr. Breckenridge, representing the commission, John F. McMurray, one of the attorneys for the Choctaw and Chickasaw nations, and myself.

February 23, the Department forwarded to Congress the original

agreement and the agreement as amended by the Department, and they may be found in House Doc. No. 495, Fifty-sixth Congress, second session; but no action was taken by Congress looking to the ratification of the agreement.

#### MISSISSIPPI CHOCTAW SCHEDULE.

In January, 1899, the commission proceeded to Mississippi for the purpose of identifying Mississippi Choctaws who claimed a share in the lands of the Choctaw Nation under the provisions of the treaty of 1830. March 10, 1899, it made a report to the Department, to which was attached a schedule comprising nearly 2,000 names of Mississippi Choctaw claimants whom the commission had identified as "Choctaw Indians residing in Mississippi claiming rights in Choctaw lands, under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, as directed in section 21 of the act of Congress approved June 28, 1898." The schedule was not accompanied by any evidence as to the right of the parties to participate in the distribution of the Choctaw lands. The report and schedule were referred to this office by the Department June 6, 1899, and on June 13, 1899, the office suggested that, as the act of June 28, 1898, gave the commission jurisdiction over the question relating to the identity of Mississippi Choctaws, it would seem that the Department was without power to supervise the action of the commission in this particular. However, August 10, 1899, the Department decided that—

*prima facie* the persons appearing on said schedule containing the names of the Mississippi Choctaws entitled to enrollment as adopted Indians would be entitled to such enrollment, subject, however, to the final action of the Department, when the final rolls shall have been submitted by the commission for the approval of the Secretary.

November 5, 1900, the commission reported that it proposed to visit Mississippi again for the purpose of identifying Mississippi Choctaws. This report was forwarded to the Department with office report of November 17, 1900, in which the position was taken that the fullest opportunity should be given all persons to present their claims to enrollment as members of any of the Five Civilized Tribes, and expressed the opinion that the commission should be permitted to make a second appointment in Mississippi for the purpose of identifying Mississippi Choctaws who claim to be entitled to share in the lands of the Choctaw Nation.

The Department concurred, and December 3, 1900, directed that the commission notify the principal chief of the Choctaw Nation and the governor of the Chickasaw Nation of the time and place at which it would hear applications from those "claiming to be Mississippi Choctaws under the provisions of the fourteenth article of the treaty of



1830," in order that each of those nations could, if it so desired, have a representative at that hearing. The Department also directed the commission to impress upon the minds of the applicants the requirements of the acts of June 28, 1898, and May 31, 1900—

so that they would not receive the impression that by being identified by your commission they will have a right to be enrolled as members of the Choctaw and Chickasaw nations, and be entitled to a share of the lands of said nations without making settlement therein.

November 27, 1900, the commission requested permission to withdraw from the files of the Department its report of March 10, 1899, and the schedule attached. December 3, 1900, the office approved the request, but suggested that the duplicate copy be retained in the files of this office for future reference. In this, December 8, 1900, the Department concurred. December 28, 1900, the commission requested to be permitted to withdraw "the report in its entirety for reconsideration and modification." January 5, 1901, the office expressed the opinion that the request should not be granted, in which the Department concurred by letter of January 9 to the commission. January 22 the commission reiterated its request, stating that "the report referred to has now been withdrawn, and is of no more force and effect than as though never made. A copy, therefore, of a report which has no official existence should not be extant." January 31 last the office held, that while it was true that one of the bound volumes showing the commission's report and the schedule of Mississippi Choctaws identified by the commission had been withdrawn, yet both reports were in reality originals, although one was marked original and the other duplicate, and that if either volume were lost or destroyed the one in existence would be of full force and effect, and would be competent evidence to establish the action of the commission. It was therefore recommended that the commission be not permitted to withdraw the copy of its report and the schedule then on file in this office, and that it be instructed to return to the files of this office, when it should have finished with it, the other copy which had been returned to it December 14, 1900. February 7, the Department concurred in that recommendation.

No further action has been taken relative to this report and schedule; neither has it been determined whether or not the persons whose names appear on the schedule shall be permitted to participate in the distribution of the land and other property of the Choctaw and Chickasaw nations.

The Indian appropriation act approved May 31, 1900 (31 Stat., 221), declares, however—

that Mississippi Choctaws, duly identified as such by the Commission to the Five Civilized Tribes, shall have the right at any time, prior to the final approval of the rolls of the Choctaw and Chickasaw nations by the Department, to make settlement

“within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the United States commission and by the Secretary of the Interior as Choctaws entitled to allotment.

#### MISCELLANEOUS.

The commission is now engaged in completing the rolls of the various nations and in classifying and appraising the lands. The only roll of citizens of any of the Five Civilized Tribes that has thus far been approved by the Department is that of the Seminole citizens already referred to.

**Classifying lands.**—As the agreements and the Curtis Act provide that the lands shall be allotted in severalty to the members of the tribes according to value, taking into consideration “the nature and fertility of the soil” and the location of the land, the work of appraising and classifying the lands of the different tribes has been a matter of considerable magnitude. On account of the peculiar wording of the law it has been necessary for the appraising parties to go upon and examine the nature of the soil of almost every 40-acre tract in the Indian Territory. This has required considerable time and has necessitated the incurring of considerable expense. All the expense in connection with classifying, appraising, and allotting the lands and the making of rolls of the various tribes is borne by the United States Government. The appraising parties, in classifying and appraising the land, fix the value thereof, except on account of its location and its proximity to the market. This value is added by the commission after the appraisers shall have determined the value of the land in accordance with the character and fertility of the soil.

**Chickasaw incompetents.**—The act of Congress approved May 31, 1900 (31 Stats., 221), contains the following clause:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of two hundred and sixteen thousand six hundred and seventy-nine dollars and forty-eight cents, which amount was appropriated by the act of June twenty-eighth, eighteen hundred and ninety-eight, and credited to the “incompetent fund” of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, within six months from the passage of this act, satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe and also the amount of such fund to which they are severally entitled, their respective shares; and second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred.

Acting under this authority of law, the Indian agent was instructed to give notice that those persons who claim to be Chickasaw incompetents or the descendants of Chickasaw incompetents would be allowed

to file their claims and evidence up to and including October 31, 1900. It was afterwards discovered that the six months provided for in the act did not expire until November 30, 1900. The time was extended accordingly.

Two hundred and forty-three claims for a right to participate in this fund, amounting in the aggregate to over \$175,000, were filed with the agent for the Union Agency. These claims, with the evidence submitted, were forwarded by him to this office with recommendation that all the claims be disallowed. Most of these cases have been forwarded to the Department, and with but one exception this office has concurred in the agent's recommendation. So far as the Department has taken action the claims have been disallowed; the claim which this office recommended be allowed has not yet been acted upon.

### CHIPPEWA AND MUNSEE INDIANS IN KANSAS.

The ninth section of the Indian appropriation act, approved June 7, 1897 (30 Stats., p. 92), provided for the disposition of the lands and the capitalization of the funds of the small band of Chippewa and Munsee or Christian Indians in Franklin County, Kans. Patents have been issued and been delivered to those allottees or their representatives who retained ownership of their allotments, and receipts therefor have been filed.

The 24 allotments which could not be partitioned among the heirs of deceased allottees were sold by the Commissioner of the General Land Office March 13, 1901, and a schedule has been prepared showing the proposed distribution of the amount which each allotment brought, less the cost of sale. This schedule, which is given on page —, has been approved by the Department, and steps are being taken to pay over the proceeds to the heirs or parties entitled.

At the same time last March the lands held by the tribe in common, as well as such allotments as had been abandoned or the whereabouts of the allottee were unknown, were sold by the General Land Office, the net price received being \$1,544.46, which sum is to be distributed per capita between 54 claimants, who are members of the tribe but have never received an allotment of land. This sum of money has been deposited in the Treasury of the United States, and each claimant is to receive his share when he shall have arrived at the age of 21 years.

The tribal fund, with the interest thereon, has been disbursed by the United States Indian agent to the members of the tribe except the share due one member, who was unknown to the Indian agent or to the members of the council. It remains in possession of the Government for further consideration as to its distribution.

## NORTHERN CHEYENNE RESERVATION, MONT.

As reported last year, it was decided that white settlers or beneficiaries of the appropriation made by the act of May 31, 1900 (31 Stats., p. 239), "to pay for certain lands and improvements" within the Northern Cheyenne Reservation, Mont., should be paid by warrants drawn in their favor on the United States Treasury, and that the heads of 46 Indian families residing east of Tongue River should be paid for their improvements through the United States Indian agent of the Tongue River Agency on that reservation.

With one exception all of the white settlers for whom appropriation was made have been paid as per their agreements, and they have removed from the reservation. Payment has been withheld from Charles B. Jefferis until he shall be able to convey to the Government a clear title to his land and improvements. Meantime he has left the reservation and his premises are under the care of the agent. Mr. Jefferis and wife duly executed a deed, but the abstract of title, dated September 12, 1900, showed that a notice lis pendens was filed on the same date of a suit by W. C. de Normandie against C. B. Jefferis. The Department therefore directed, October 11, 1900, that the deed should not be accepted nor payment for the land made until that suit should be finally disposed of. Mr. Jefferis's attorney has been so notified.

Otho S. Hon, one of the settlers, has filed claim for \$2,400, in addition to the \$2,100 which was paid him upon his execution of a quit-claim deed for his lands and improvements. His claim has not been disposed of.

The 46 Indian families have been paid for their improvements and proper vouchers have been filed by the agent.

The survey of the northern boundary of the reservation developed the fact that seven additional settlers are within the reservation boundaries. They are without title to the lands occupied, and their improvements are small, estimated to aggregate only \$2,965. January 29, 1901, this office recommended that Congress be asked to make an appropriation to pay for their improvements, but Congress failed to make the appropriation requested.

## THE CASE OF LITTLE WHIRLWIND, A NORTHERN CHEYENNE.

In the annual report of this office for 1897 (pp. 80-87) are fully set out the facts relating to the killing of a white sheep herder, John Hoover, by David Stanley, a Northern Cheyenne Indian belonging to the Tongue River Agency, Mont., and to the arrest, trial, and con-

viction of Stanley for murder in the State court at Miles City, Mont. He was sentenced to only five years' imprisonment in the penitentiary.

At the time of the trial Stanley was induced, by promise of leniency of punishment by the State authorities, to implicate in the crime Little Whirlwind and his brother Spotted Hawk, also belonging to the Northern Cheyenne tribe; and these Indians were tried for complicity in the murder. Little Whirlwind was convicted and sentenced to imprisonment for life in the State penitentiary, and his brother was sentenced to be hanged. Spotted Hawk's attorney, however, secured a new trial for him, and upon taking the case before the supreme court obtained his release for the reason that there was not sufficient evidence upon which to convict him. In the case of Little Whirlwind the evidence was similar to that of his brother, but the attorney neglected to take exceptions to the rulings of the court and failed to file a motion for a new trial.

November 28, 1899, Mr. S. M. Brosius, agent of the Indian Rights Association, appealed to this office in behalf of Little Whirlwind, and stated that Stanley, who died in prison October 19, 1899, admitted in his ante-mortem statement that he alone was the murderer of Hoover, and that neither Little Whirlwind nor Spotted Hawk was in any way implicated with him; and that he was induced by promises of leniency by the State authorities to testify falsely as to the complicity of the two brothers, neither of whom was present when Hoover was murdered. Mr. Brosius stated further that the principal witness against Little Whirlwind was an Indian boy named Shoulder Blade, who was induced by promises, etc., to testify falsely concerning the complicity of Little Whirlwind and Spotted Hawk in the killing.

December 1, 1899, the office submitted to the Department the evidence furnished by Mr. Brosius, and stated that it would seem from the facts in the case that there were the best of grounds for believing that Little Whirlwind was entirely innocent, and recommendation was made that the governor of Montana be requested to pardon him. The Department replied February 2, 1900, that the matter had been submitted to Indian Inspector James McLaughlin "for investigation, with instructions to consult the State authorities in regard to the status of the case, and to use his efforts in the name of the Department in behalf of Little Whirlwind," and that the inspector had reported, January 26, 1900, that the present time was deemed inopportune to press the subject of a pardon for this Indian, but that favorable results might be hoped for at a later period.

The matter was again called up by Mr. Brosius February 4, 1901, with request that another attempt be made to obtain pardon for this Indian. The correspondence was submitted to the Department February 13, with recommendation that the governor of Montana again

be requested to grant the desired pardon. The case was once more taken up, and July 1 last Little Whirlwind was pardoned and released. An escort was provided by the agent of the Tongue River Agency for the return of the Indian to his home, and on July 11 the agent reported that he had arrived safe at the agency.

### THE REVIVAL OF THE MESSIAH CRAZE IN MONTANA.

May 5, 1900, Agent James C. Clifford reported a serious condition of affairs existing at the Tongue River Agency, Mont., growing out of the prospective revival among the Northern Cheyennes of the "Messiah craze," with its attendant "ghost dancing," which some ten years ago prevailed at widely separated points throughout the Indian country. Porcupine, a Northern Cheyenne, who was the leader of the Messiah craze of a decade ago, had advised the Indians not to obey the orders of the agent or of the Department, but to listen to him, as he was an inspired "medicine man;" and he had made his followers believe that he was endowed with supernatural powers. He assured them that if they did not heed his advice they would certainly die, and that the resurrection was surely coming in the summer, when all the dead Cheyennes would come to life and sweep the whites out of existence.

The agent's report was submitted to the Department May 14, 1900, and was communicated to the Secretary of War, who instructed Brigadier-General Wade, U. S. A., to look into the matter; this he did, reporting May 23, 1900, that he did not anticipate any serious trouble from the Indians concerned.

About a month later (June 8) the agent reported further particulars as to the doings of this troublesome Indian, as follows:

On April 2 Red Robe, an employee of this agency, reported that a meeting of the Messiah men had been held in the tepee of Little Hawk, on the Rosebud, in which Porcupine, the organizer and chief oracle of the ghost dancers, took a prominent part. Porcupine told them that he intended to go on a journey to see the Messiah; that they must do as he told them. On April 16 the police reported to me that Porcupine, Crook, White, an old Arapaho Chief, of Rosebud Creek, and Howling Wolf, of Tongue River, were on Upper Tongue River engaged in "making medicine," as they call it. Among the senseless acts performed was the cutting off of small pieces of skin from the wrist and forearm of one of those present who desired to talk with a deceased friend or relative. By simply blowing the breath upon the pieces of skin the spirit called for would appear and lend his assistance in making medicine. Of course the Indians believe this, being so superstitious.

I instructed the police to break up this gathering and to send the participants of this meeting home and to tell them to stay there. The police told me that Crook told them that Porcupine was teaching him to be a "medicine man," endowing him with great power. Shortly after this, Crook was reported as being on Tongue River, engaged in his medicine feasts. He and Porcupine were telling the Indians not to listen to the agent or to the commissioner, and not to obey them; that they should listen to Crook and Porcupine, and that all the Indians should stay together and then all would be well with them. Policeman Little Sun and other Indians heard this talk.

On April 29 I ordered Crook brought to the agency, the police starting after him on the 30th. Instead of coming in quietly, about twenty of the worst element on the Rosebud came in with him. They refused to go into the council room when told to do so, saying that they could talk outside on the prairie. They were then outside in front of the office, and were all armed. A short distance away Roach, a son of Kills Night, fired a revolver, whereupon this armed band charged down upon the agency, with their horses running their fastest. This fact alone showed their evil intentions. \* \* \* The wife of White walked up and down the line, saying that if any of the men ran she would push them back. She was bearing arms supposed to belong to her husband and to Crook, her son. Crook was reported to have said that the Great Father in heaven had directed him to procure the blanket he was then wearing—a bright red one—which was bullet-proof. \* \* \*

There are about forty, probably, of these Indians who are firm believers in Porcupine and his power, and they are, of course, the worst ones to do anything with in the way of advancing them, for they will pay no attention to what they are told after they get out of sight.

I am still of the opinion that the best interests of the Northern Cheyennes and the service would be subserved by the removal of at least Porcupine and Crook from the reserve and their being held in custody until such time as they are thoroughly cured of their dangerous ideas. This man Porcupine is a smooth talker and a cunning Indian. Crook is a younger man and easily led, and he has been in trouble before. \* \* \*

June 27, 1900, Agent Clifford reported that Porcupine had left the reservation without permission, taking with him several of his followers; that it was said he had gone to visit the "Great Messiah," and that the party ought to be arrested and returned to the reservation. About two weeks later he advised the office that the destination of Porcupine was the Fort Hall Reservation, Idaho, where he no doubt intended to inculcate his doctrines. The Fort Hall agent was therefore instructed to keep the office fully advised as to the movements of this fanatic, in order that if he attempted to make trouble among the Bannocks at Fort Hall he could be properly dealt with.

August 1, 1900, the Tongue River agent forwarded to this office the formal proceedings of a council held July 26, 1900, with the Indians under his charge and signed by 328 "headmen and members of the Northern Cheyenne Indians." They condemned the disrespectful language used against Inspector McLaughlin by a few of Porcupine's band, and said: "Porcupine has been for years trying to lead the young men on the road which has made trouble for us, and if he is not stopped we fear trouble will come as soon as he returns." They earnestly requested that Porcupine be taken away from the reservation and put "in prison at some place far away for two or three years, until he learns some sense and quits his Messiah teachings and attempts at ghost dancing."

October 10, 1900, the agent reported that, with the cooperation of the agents of the Fort Hall and Shoshoni agencies, Porcupine and party had been arrested among the Bannocks in Idaho and brought back to the Tongue River Agency under charge of the Indian police, "without seeing the 'Great Messiah' or even securing the 'medicine arrows'".

he promised to bring back to use on the whites." They arrived at Tongue River on August 27 and were at once confined in the agency guard-house. The agent was convinced that the removal of Porcupine from among the Indians would have the effect of entirely breaking up the bad influence he had among his followers.

October 20, 1900, the office reported to the Department on this matter, as follows:

The Indian "Porcupine," referred to by Agent Clifford, is doubtless the same "Cheyenne medicine man Porcupine" who started the craze in 1890 and whose operations at that time were first reported through the War Department.

In the annual report of this office for 1891 a history of the "Messiah craze" is given, and it is stated that this Indian "claimed to have left his reservation in November, 1889, and to have traveled by command and under divine guidance in search of the Messiah to the Shoshone Agency, Salt Lake City, and the Fort Hall Agency, and thence—with others who joined them at Fort Hall—to Walker River Reservation, Nev.; and that he by the next summer had returned to his reservation and declared himself to be the new Messiah. The present movements and actions of Porcupine would seem to parallel those of ten years ago, except that his successful return to Tongue River has been prevented by his having been arrested and brought back under guard.

From the agent's reports and the petition of the Northern Cheyennes themselves, it appears that the presence of this Indian on the reservation is a constant source of trouble and danger, and is very detrimental to the peace and welfare of the said Indians. In fact, viewing his recent actions in the light of his record of a decade ago, this office regards his continued presence at the Tongue River Agency as a most dangerous obstacle to the proper government and welfare of not only the Northern Cheyennes but also of the Indians of the other tribes who were once infected and crazed by his pernicious teachings. So long as he is allowed to continue to spread his fanatical religious ideas among the Indians without being properly punished, he will remain a dangerous menace to the service.

It is therefore respectfully recommended, should it meet your approval, that authority be granted for the removal of Porcupine from the Northern Cheyenne Indian Reservation, Mont., in accordance with the provisions of section 2149 of the Revised Statutes, as his presence thereon is detrimental to the peace and welfare of the Indians of the same; and this being done, that he be taken under guard and turned over to the commanding officer of Fort Keogh for confinement at hard labor at that post until such time as he shall be thoroughly disciplined and taught to respect and obey the officers of the Government and otherwise properly demean himself, and give satisfactory assurance to the military officers that in the future he will behave himself and cause no further trouble. \* \* \* The War Department to be reimbursed by this Department for the cost of the rations issued to the prisoner during his confinement.

October 22, 1900, the Department recommended to the Secretary of War that Porcupine be confined and punished at Fort Keogh or elsewhere. Accordingly Porcupine was turned over to the commanding officer at Fort Keogh and confined at hard labor.

February 28, 1901, the commandant of this post reported that Porcupine appeared to be thoroughly disciplined. His conduct had been excellent in every respect since his confinement, and he had promised that in the future he would behave himself and cause no more trouble;



he therefore recommended that Porcupine be released. No objection being made thereto by the Tongue River agent, Porcupine was released from custody March 28 and allowed to return to his home on the reservation. Since then nothing further has been heard from him, and it is believed that the punishment has been effective.

### ZUÑI PUEBLO GRANT, NEW MEXICO.

A bill (H. R. 8635) was introduced in Congress February 16, 1900, "To confirm title to certain land to the Indians of the pueblo of Zuñi, in the Territory of New Mexico," and was favorably reported (Report 1571) without amendment from the Committee on Indian Affairs May 17, 1900, but no further action seems to have been taken on the bill.

The recommendation made in the last annual report is respectfully urged upon the coming Congress, that the title to their land be confirmed to these Indians, inasmuch as all the title papers held by them for land occupied by them for over two hundred years were a few years ago accidentally destroyed by fire.

### NEW YORK INDIANS.

By the Indian appropriation act of March 3, 1901 (31 Stats., 1077), the Secretary of the Interior was directed to withhold \$10,000 from the amount appropriated by the act of February 9, 1900 (31 Stats., 27), to pay the judgment of the Court of Claims in favor of the New York Indians, for the purpose of defraying the necessary expenses of ascertaining the beneficiaries of that judgment.

June 12, 1901, the Department directed this office to take immediate preliminary steps to ascertain and determine those who are entitled to participate in the distribution of the fund and suggested a method of notifying prospective claimants to present their claims for adjudication, etc.

July 27, 1901, the office submitted to the Department a form of advertisement giving notice to claimants of the proposed payment and to file their applications in this office on blanks prepared for that purpose. An amended form of advertisement was approved by the Department August 6 and the same was published by this office September 1. By its terms the enrollment will close on December 1, 1901.

### WENATCHI INDIANS, WASHINGTON.

The removal of Wenatchi Indians to the Colville Reservation, Wash., was not accomplished last spring, as had been intended. From the facts reported March 28, 1901, by Agent Albert M. Anderson, of the Colville Agency, in response to office instructions of February 16 last,

and from the information obtained from other sources, the office became convinced that the removal proposed had developed into a much larger undertaking, as well as a more expensive one, than had been anticipated. It is believed that it will be best to allow a considerable majority of these people to remove, including even some of those who now have lands, especially where the land is undesirable and ill suited for Indian homes. Most of these Indians are very poor, and while the office feels that assistance by the Government in connection with the removal should be restricted to absolute necessities, it is realized that in most cases they must be provided with subsistence during a portion of the first year and that some farming implements, utensils, and materials for fences and houses must be furnished. The office has not had sufficient funds at its disposal for this purpose. It is now purposed to ask Congress at its next session for a small appropriation to defray the expenses of removing these Indians and establishing them on the Colville Reservation.

Agent Anderson was instructed, June 7, 1901, to visit Mission and Wenatchee, Wash., for the purpose of ascertaining the real condition and needs of the different families so far as practicable, to find out what ones should be removed, and obtain data upon which to base a detailed estimate of their requirements. He was told to submit his report in time for transmission to Congress at an early date.

### YAKIMA BOUNDARY CLAIM, WASHINGTON.

The Crow, Flathead, etc., Commission, as stated in my last annual report, was instructed to negotiate with the Indians of the Yakima Reservation, Wash., for the adjustment of their claim to lands adjoining their reserve on the west excluded by the Government boundary survey of 1890. After negotiating for several weeks the commission, August 14, 1900, reported its failure to secure an agreement for the reason that the Indians demanded a larger sum for the disputed tract than the Department had authorized or was willing to pay.

May 22, 1901, Inspector James McLaughlin was instructed by the Department to proceed to Yakima and if possible secure an agreement with these Indians for the adjustment of this claim. July 13 he reported that three days were spent by him in traveling over the disputed tract. He found the soil throughout to be light, porous, and composed of volcanic ashes, the climate arid, and, owing to the elevation, so cold that none of the cereals could be matured, thus making farming unremunerative. The entire tract is covered with a scattered growth of timber, most of which is too small for profitable milling. There is very little undergrowth and only a scant stand of grass. On the southern three-fourths of the tract over 75 per cent of the timber is dead and decaying rapidly.

On the 9th of July the Indians were met in council, and at the inspector's suggestion a committee of seven leading Indians of the reservation were designated to confer with him on the terms of an agreement. The inspector offered them \$125,000 for the disputed tract, which was accepted by the committee; but the terms of payment could not be agreed upon, the Indians demanding a larger sum in cash than the inspector was willing to agree to, and also expressing their unwillingness to have any considerable sum used for irrigation purposes. Deeming it best not to accede to the terms demanded by the Indians, the negotiations were closed.

The inspector states that he was very much handicapped in his work by the previous negotiations of the Crow, Flathead, etc., Commission, which had held various councils with the Indians since February, 1897, and had offered the Indians \$1,400,000, practically in cash, for their surplus lands—more than \$3 per acre for the sterile, arid, mountainous, and least valuable portions of the reservation. This offer, although it was rejected by the Indians, notwithstanding it was more than double the value of the land, left the impression in the minds of the Yakima that their lands were very valuable and much desired by the Government. Also, Inspector McConnell, who visited these Indians during the autumn of 1900, is alleged to have made the Indians an offer of \$1 per acre, or \$300,000 for the disputed tract. These propositions have given the Indians erroneous impressions as to the value of their lands, so that the prices they now place on them are fictitious, and it will require some time to overcome such mistaken ideas.

It appears, also, that these Indians have been led to believe, through the representations of members of their tribe, that Congress will act favorably upon this matter and adjust it during the coming session, and the inspector therefore suggests that no further negotiations be attempted until after Congress adjourns next year.

#### STOCKBRIDGE AND MUNSEE INDIANS IN WISCONSIN.

October 2, 1900, the Office recommended to the Department that Inspector Cyrus Beede be assigned to the duty of conferring with the Stockbridge and Munsee Indians of Wisconsin, with the view of formulating a plan for the allotment in severalty of the common lands of their reservation. October 8, 1900, the Department detailed the inspector to that duty, and October 27, 1900, the office submitted instructions for his guidance, which were approved by the Department October 31.

Inspector Beede reported to this office, December 26, that he had held three general councils with the tribe, at which their affairs were thoroughly discussed and various plans presented; that the larger portion of the tribe seemed anxious for some kind of a settlement, but

were not in accord on all points; that a minority, known as the Miller faction, seemed to prefer no amicable adjustment, but desired to settle their differences in the courts; that a third party, closely allied to the Miller faction, but disagreeing as to certain details, was in evidence; and that neither of the smaller parties could be induced to meet with the larger one in conference, although they attended every meeting called by the inspector.

The inspector's labors resulted in the following "Proposed plan of settlement with the Stockbridge and Munsee tribe of Indians," which bears the signatures of 79 male adult members of the tribe, constituting a majority of such members:

We, the undersigned members of the Stockbridge and Munsee tribe of Indians, under the jurisdiction of the Green Bay Agency, constituting a majority of the male adult members of said tribe, do hereby agree, on behalf of ourselves and said tribe, to accept the following conditions as a full and complete settlement of all obligations of the Government, of whatever nature or kind, either expressed or implied, from whatever source the same may have accrued, whether under the treaty approved February 5, 1856, any act of Congress, or otherwise, save and excepting only any interest which may be found to attach to the Stockbridge and Munsee tribe of Indians in the judgment recently obtained by the Six Nations of New York against the United States through the Court of Claims; and upon performance by the Government of said conditions any and all claims, grievances, and rights which we may have or claim to have against the Government, save as aforesaid, shall be deemed to have been fully paid, satisfied, and discharged.

First. That the land reserved to the said Stockbridge and Munsee tribe of Indians by the treaty approved February 5, 1856, and which has not heretofore been sold or patented, either to the State or individuals, shall be patented, so far as there is sufficient land for said purpose, to such Indians as were enrolled under the act of 1893, and who have not heretofore received their patents, and to their children: *Provided, however,* That where patents have heretofore been issued by the United States to a head of a family or a married man, a member of said tribe as aforesaid, the same shall be deemed to have been in satisfaction of the claims of both husband and wife, and no allotments shall be issued hereunder to such persons: *Provided further,* That the issuance of such patent shall in no wise prejudice the rights of their children to share in the allotment of land hereunder, and that with the above exceptions such allotments shall be issued to all members of said tribe, as aforesaid, living on the 1st day of January, 1901, in the following manner, to wit:

A. 80 acres of land to each head of a family: *Provided,* That the term "head of a family" shall be construed to be a provision for the parents only, or the surviving parent in case of the death of either, the unmarried children being provided for in the second clause hereof.

B. 40 acres of land to every other person specified herein and not provided for as above.

That whereas there is not sufficient land on said reservation to give each person above designated an allotment within the boundaries of same, the available reservation land shall first be allotted to the heads of families and others residing on said reservation until the same may be exhausted; that the Government may purchase land elsewhere to carry out the above provisions: *Provided,* That in cases where members of said tribe may have made selections, whether filed with the business committee of said tribe or otherwise, it shall be obligatory upon such member or members to accept said selections, not to exceed the acreage prorated as above, and

that in all other cases it shall be optional with said members to accept such allotment, or in lieu thereof the sum of \$2 per acre, which is hereby agreed to be the equivalent of said land: *Provided further*, That where the selections made as above do not equal the acreage to which such persons may be entitled hereunder, said members may elect to take the balance due them in land or money, as per above.

That whereas under the act of February 6, 1871, about 140 members of said Stockbridge and Munsee tribe of Indians were refused enrollment with said tribe and debarred from the enjoyment of any rights and privileges to which said tribe was entitled; and whereas the tribal funds were divided, under said act, between those enrolled and admitted members of the tribe who became citizens of the United States pursuant to said act and received said money as their supposed share of the tribal funds and those who were enrolled under the act as Indians, which portion was left in the Treasury of the United States to the credit of said tribe; and whereas said money should have been divided on the basis of an additional membership of 140; and whereas said Indians so excluded as above, protesting against said act, have since maintained and defended their rights to such enrollment and under the act of March 3, 1893, established their rights to such enrollment and were duly enrolled as members of said tribe; and whereas if said tribal funds had been divided on the basis of the present corrected and approved enrollment of said tribe a much larger sum of money than is now the case would be on deposit to the credit of said tribe and would have been drawing interest since 1871, it is expressly provided that in consideration of the relinquishment of the aforesaid claims and rights, and especially as an atonement for and a satisfaction of our claims arising out of said wrong and grievance, Congress shall appropriate, out of the funds in the Treasury of the United States and belonging to the United States, a sufficient sum to provide land for all members of said tribe in accordance with the above provisions; provided, with the exception above stated, that any member or members may elect to receive \$2 per acre in lieu of said allotment on condition that such election shall be made within sixty days after the passage of an act of Congress to carry out the above agreement.

Second. That all funds now on deposit to the credit of said tribe shall be divided pro rata, share and share alike, between the living members of said tribe and their children, as per the enrollment above referred to governing the allotment of land hereunder.

Signed at the Stockbridge and Munsee Reservation, Shawano County, Wis., this 8th day of December, 1900.

February 1, 1901, in accordance with office recommendation of January 24, the Department transmitted the report of the inspector and accompanying papers to Congress, with recommendation for favorable consideration and urgent request for speedy action. They were printed in House Document No. 405, Fifty-sixth Congress, second session, but no further action seems to have been taken by Congress on the matter.

It is earnestly hoped that the affairs of these Indians will receive consideration at the next session of Congress and that the proposition of settlement negotiated by Inspector Beede, or some equally meritorious plan, will receive Congressional sanction.

## THE WINNEBAGO OF WISCONSIN.

Henry W. Lee, of Wisconsin, filed a claim in the Department January 30, 1888, against the Winnebago Indians of Wisconsin for the sum of \$5,000 on account of alleged services as attorney for these

Indians. No contract for services rendered by Mr. Lee to these Indians was ever authorized or approved by the Department, and this office, as well as the Department, has uniformly denied his claim and refused to pay any part of it. Mr. Lee therefore appealed to Congress for relief.

Senate bill No. 3499, Thirty-sixth Congress, first session, reads as follows:

The Secretary of the Interior is hereby directed to pay to Henry W. Lee, or his legal representatives, the sum of ten thousand dollars, provided to be paid him out of the moneys of the Winnebago Indians of Wisconsin by the act of Congress approved August twenty-third, eighteen hundred and ninety-four, said sum when so paid to be in full discharge of the claim of said Lee for services rendered said Indians.

This bill was referred to the Court of Claims under the following resolution from the Senate Committee on Indian Affairs:

*Resolved*, That the bill (S. 3499) entitled "A bill for the relief of Henry W. Lee," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith, showing, among other pertinent matter, the value of the services referred to in said bill, if any, which were performed by the said Henry W. Lee, what compensation he has already received therefor, and what balance, if any, is still his due.

It will be observed that the bill increases his claim from \$5,000 to \$10,000. In his original and amended petitions now pending in the Court of Claims and under investigation and consideration by the Department of Justice he claims a fee of \$64,144.90, less \$508.14 paid him, as he admits, by the Indians.

Upon a communication dated June 14, 1901, from L. C. Pradt, Assistant Attorney-General, relating to this claim, this office reported that after a very thorough investigation of the matter it was confirmed in the belief that the claim of Mr. Lee was not only unjust, but fraudulent, and that he should not be allowed any additional compensation for services alleged to have been rendered the Indians. In fact, the rapidity with which his claim increased from its original sum is sufficient to stamp the whole matter as a fraud.

Very respectfully, your obedient servant,

W. A. JONES,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.









